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Section I

Introduction

Foreword

In 1989, the Montana Accreditation Standards provided the focus for the improvement of instruction through the development of curricula and assessment. At this time, it is my great pleasure to present the newest state model curriculum guide. This document is the direct result of Montana's continued commitment to excellence in education.

Central to Law-Related Education is the development of enlightened citizens who have the tools to make positive and informed choices acting effectively as members of local, tribal, state, national, and international communities. Citizens who understand that with rights come responsibility to themselves, to others, and to the government, as well as an ethical responsibility. It is the task of the school, with the aide of the community, to develop curricula that enable citizenship education to take place not only in the classroom but to continue into the community as well.

The study of Law-Related Education must also embrace the concepts of law as it pertains to the American Indian. It is hoped that this document will assist schools to do this.

Professionals from all regions and cultures of Montana devoted their time and expertise to this project. I would like to thank the team of writers, the many individuals and organizations that provided information and resources, and the law-related education community of Montana for their contributions in developing this Indian Law-Related Education Model Curriculum.

For a subject worked and reworked so often in novels, motion pictures and television, American Indians remain probably the least understood and most misunderstood Americans for us all.
—John F. Kennedy, 1963

Preface

This curriculum model is the result of many hours of dedication by a wide variety of people and organizations. Without their interest, support, and expertise, this document would not have been possible. The curriculum writing team would like to express our deep-felt thanks to all who helped in this endeavor.

All through the development and writing process, the curriculum team strove to maintain integrity to the various peoples and cultures represented in this document. It is our hope that this document will answer a need felt by many people in Montana and bring the concept of law as it pertains to the American Indian into the mainstream of education.

A special thank you goes to the Office of Public Instruction Word Processing staff and the Publication and Graphics Bureau for the State of Montana. Without their supreme effort, this document would not have been possible. The document was formatted and designed by Gail Hansen, Word Processing Supervisor. Title page and map design are by Heather Mandville. Cover art is by Clarence Cuts the Rope.

The curriculum writing team would like to dedicate this curriculum model to the children.

✹ Indian Law-Related Education Curriculum Writing Team ✹ 1993-1995

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Come with me through time and mind for the past beckons to be known. And the future, crouchd like a panther in the bough of a tree, waits to see . . . if we have truly grown while it growls impatiently.
—White Deer Of Autumn

Terri Miller

Terri Miller, co-coordinator of the Indian Law-Related Education (ILRE) writing team, currently teaches K-8 music and gifted education, junior high literature, and is half-time assistant principal at Cayuse Prairie School District 10 near Kalispell. She received her bachelor's and master's degrees from the University of Nebraska, and completed her administrative course work at the University of Montana. Prior to moving to Montana with her family, Terri taught K-12 music, speech and drama, and presented workshops in integrated arts and humanities across Nebraska. In addition, she has been a professional singer and choral director.

In 1989, Terri attended the Montana Law-Related Education Summer Institute and has been actively involved with the project ever since. Having received extensive national training, she is currently a trainer for the National Youth for Justice and the Montana LRE projects. Terri has presented at numerous workshops, seminars and training in the areas of fine arts, integrated curricula, gifted education and LRE. Her background includes serving on several curriculum writing teams, including the *Montana Social Studies Model Curriculum Guide.*

Wilhemina Willie'Wright

Wilhemina "Willie" Wright is a member of the Confederated Salish & Kootenai Tribe, and co-coordinator of the Office of Public Instruction's LRE program's curriculum writing team. Ms. Wright has been an educator in the Arlee School District on the Flathead Reservation for the past 17 years, and has lived on the reservation for most of her life. Ms. Wright has served on the Montana Advisory Council for Indian Education for the past three years. Ms. Wright is a graduate of the University of Montana with a degree in history, Native American studies and political science. She is working on a M.Ed. with an emphasis on bilingual/bicultural education. Ms. Wright is active in American Indian cultural events, and enjoys traditional dancing. Interacting with family, the Salish/Kootenai people and the environment are important to her day-to-day living.

Kathy Felsman

Kathy Felsman, a member of the Confederated Salish & Kootenai Tribes, received a B.A. in Education in 1977 from Eastern Washington University with a major in Physical Education and a minor in Social Studies. Since January of 1992, Kathy has been employed as the K-6 Indian Studies Teacher with the Arlee Public Schools. Currently, she is involved as a cultural consultant for the Arlee Model School, a part of the Office of Public Instruction's Framework for Aesthetic Literacy Grant

Kathy is a teacher with the Native Games Project for the Peoples Center of the Confederated Salish & Kootenai Tribes. She is helping students research old native games through books and interviews with Elders. This project will result in the production of a video of Salish & Kootenai native games. The grant from the Montana for the Humanities was awarded through The Peoples Center.

Kathy has been actively involved in the Law-Related Education Program as a curriculum writer since 1993.

Rhonda Williams

Rhonda has lived and taught in Blackfeet country for nine years, working with 4th-12th graders in a wide variety of subject areas. She is from northwest Arkansas and is a member of the Cherokee nation. She holds a master's degree in education of the gifted, and is an advocate of individualized education that responds to the talents and interests of all students. She received leadership training in the dissemination of gifted education and has been active in this field for many years. Currently, she serves as the historian for the Montana Association for Gifted and Talented Education.

Following an experience of jury duty, Rhonda began doing mock courts with her classes. This led to an extended interest in Law-Related Education and its many applications in the regular curriculum. During the summer of 1993, she attended a Taft Seminar in Missoula on the topic of "Native Government, U.S. Government." She presented on this topic at the National Conference for Gifted and Talented Education for Native People, and has written articles relevant to the Blackfeet tribal government.

Rhonda's philosophy of education focuses on creating places where respect and honesty are normal expectations. Helping to write the Indian Law-Related Curriculum Guide has allowed her to express this philosophy while learning from a diverse group of people.

Marilyn Ryan

Marilyn Ryan has been a middle school social studies teacher in the Missoula County Public Schools for 23 years. She is currently on leave from teaching serving as local president for the Missoula Education Association. She earned her bachelor's degree in history and political science and her master's degree in education from the University of Montana.

Marilyn began her association with Law-Related Education in 1990, with participation in the Constitutional Rights Foundation training. She has also been trained by the Center for Civic Education and We The People. As a result of the national training, she has provided LRE workshops throughout Montana. Marilyn has been working with social studies curriculum development since 1976, both at the local and state levels. She is a past president of the Montana Council for Social Studies.

Bob Hislop

Bob Hislop comes to the curriculum team from Polson High School, where he teaches Bill of Rights, Problems of American Democracy, and American History. His Bill of Rights class has competed at the national level for the last seven years. He teaches on the Flathead Indian Reservation and came recommended for the writing team after taking the Taft Institute on American Political Parties and Native American Government.

Caren Tucker

For the past six years, Caren Tucker has been an elementary library media specilist with the Harlem School District. A graduate of Montana State University, Billings, Caren started her teaching career as a high school English teacher. Caren has a deep regard for the past—its history and its people—and hopes that the refocusing on responsibility, loyalty, and commitment will help to heal some of society's ills.

Georgia Howe

Georgia, a member of the White-Earth Chippewa band, teaches Chapter 1 students at Lodge Grass High School. Georgia has taught students at all levels from Head Start through junior college. She has taught on various reservations for 24 years. Georgia is a graduate of Northern Arizona University and attended the University of New Mexico Indian Institute and the Arizona State Law School.

Georgia has been involved with Law-Related Education since 1993 and has presented on the topic of Indian Law-Related Education at the American Bar Association Leadership Conference.

Caroline Tyler

Caroline Tyler was born on Fort Belknap Indian Reservation in Harlem, Montana. Her father is Gros Ventre and her mother is Chippewa-Cree. Caroline is the only member of the writing team who is not directly involved in formal education. She is a juvenile probation officer for Youth Court Services of Cascade County in Great Falls. She is committed to the "mission" of juvenile probation officers when dealing with a youthful offender. That mission is an attempt to establish a balance between community safety and awareness, to establish accountability for the offense and the offender, and to have the youth leave the judicial system better off than when they entered it. Caroline offers the following message:

> When dealing with Indian youth, the judicial system must be made aware that the Indian youth, due to their culture and environment, may not always understand or even respect the laws that are enforced off the reservations. It is a matter of documentation that Indian people are represented in the judicial system more often than anyone else. In my experience with the system, I am seeing that the problem is less a matter of prejudice and discrimination, but more a lack of understanding and tolerance. I also believe that both the judicial system and the Indian people must take responsibility for this fact and work at a solution. Until both worlds can come to an understanding and respect of each other, there will always be a sense of distrust. As long as there is distrust, we will never solve this problem, and even worse, we will never learn to get along together.

Lorrie Monprode-Holt

Lorrie Monprode-Holt has been the Library Media Specialist and is the Director of Law-Related Education for the Montana Office of Public Instruction. She has also been a school and public librarian, a classroom teacher, and an instructor at the University of Montana, Dillon, and Portland State University, Oregon. Active as well in many organizations, she recently was invited to sit on the board of directors for the Center for Adolescent Development, the Advisory Board for the National Youth for Justice Council and is vice-president of the Board of the National Center for Law-Related Education, Inc. Ms. Monprode-Holt also serves on the Governor's Youth Justice Advisory Council's Subcommittee on Minority Overrepresentation. She has served as Montana's Chapter Councilor for the American Library Association and on the American Association for School Librarians' Board of Directors. Ms. Monprode-Holt is now a private consultant

Ms. Monprode-Holt travels the country giving workshops on various topics including folklore, Indian Law-Related Education, systemic approaches for violence prevention, and environmental justice.

An accomplished storyteller, Ms. Monprode-Holt tells stories to "children of all ages" and uses this background to make her workshops and inservices entertaining as well as practical.

Special Thanks

What we consider the most important thing on earth is our children.
—Ben Black Bear

The Indian Law-Related Education Curriculum Writing Team and the Office of Public Instruction would like to thank the following individuals and organizations for their contributions in the development of this document.

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How to Use this Document

Questions to Ask

(see Flow Chart on page 13)

If you try to do something and fail, keep trying.
—Fools Crow

1. What's my grade level?
2. Look over sample lessons provided.
3. Which do I know the most about? OR Which interests me the most?
4. Choose the lesson I want to do first and consider adaptations.
5. Can I acquire all needed materials?

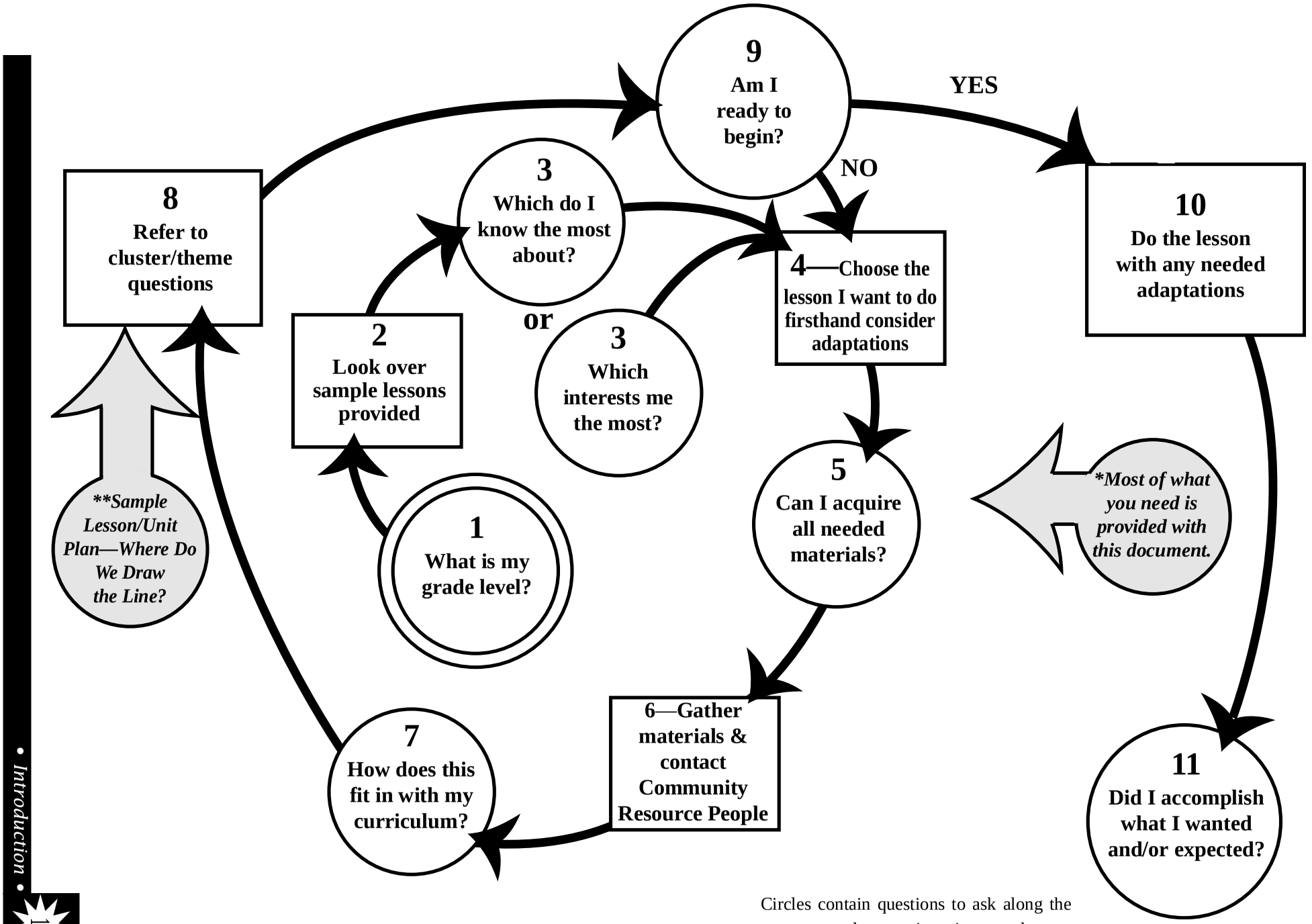
** Most of the information you need is provided with this document. We have also listed where you can find other materials. (Let us know if you have trouble locating any of them.)*

6. Gather materials and contact Community Resource People.
7. How does this fit in with my curriculum? What will the kids learn? What do they already know?
8. Refer to cluster/theme questions. Look at leasson objectives and write my lesson plans.
9. Am I ready to begin?
10. Do the lesson with any needed adaptations.
11. Did I accomplish what I wanted and/or expected?

*** Sample Lesson/Unit Plan: Where Do We Draw the Line?*

Objectives:

1. *Develop knowledge based on the topic: What are grafitti and vandalism and when do they become art?*
2. *Discuss cluster questions: How do individuals' decisions affect other citizens? What is private property? What is communal property? When do the rights of free expression conflict with the rights of other members of society?*
3. *Explore uses of symbols in various societies. Use And Still the Turtle Watches, When Clay Sings, cave paintings, and Egyptian symbols. Bring in examples close to home.*
4. *Practice reaching consensus through consensus questions and "Take a Stand" activities.*
5. *Connect ILRE themes to lesson through cluster questions: justice, responsibility, authority.*
6. *Connect social studies themes to lesson through cluster questions: cultural heritage, social history, tradition and change, citizenship, interdependence.*



Circles contain questions to ask along the way; rectangles contain actions to take.

Section II

- **Philosophy Statement**
- **Defining Law-Related Education**
- **Exploring the Connections**
- **A Sociological Perspective**
- **Interdisciplinary Connections to Accreditation Standards**
- **Montana School Accreditation Standards and the Impact on Students**
- **Model Learner Goals/Thematic Questions**
- **Social Studies Thematic Questions Focusing on Indian Law-Related Education**

Section II:
Model Curricular Framework

Philosophy Statement

Montana is a state rich in history, cultural diversity, and natural resources. One of Montana's most valuable resources is our children. As the children act within and upon their physical and social environments, they develop and grow in their understanding and perceptions of the world around them. It is our environment that helps shape us as human beings.

If you don't know the past, then you will not have a future.
If you don't know where your people have been,
then you won't know where your people are going.
***—from* The Education of Little Tree,**
by Forrest Carter

Our first teachers are our families who teach us the concepts of right and wrong. Through this informal learning process we also develop a sense of family and community. Informal learning is joined with formal learning provided by the schools, whose primary purpose is to instill academic knowledge. This blending of formal and informal learning, together with the fostering of social skills, provides a means for developing civic responsibility.

Law-Related Education is a K-12 program which teaches the responsibilities and rights of citizens in the constitutional democracy. The integration of Indian law into all curriculum areas, especially Law-Related Education and Social Studies, serves to further improve citizenship.

In its constitution, Montana recognizes the 11 Indian tribes and seven reservations in the state, and the unique cultural heritage of American Indians. Because of this, the study of tribal governments must be an integral component of an educational program in all Montana schools. A structured approach is necessary to comprehend the connections relevant to national, state, local, and tribal governments whose contributions are the basis for our laws. Each division of government has its own distinct governance policies that must be respected, recognized, and understood by all people.

Montana's young people will need to be competent and active participants in their social, economic, natural, and political environments. As we all continue to develop and grow in our understanding of ourselves and of our role as citizens, we must be willing to examine issues and practices, and to engage in dialogue with others. If students are to become successful, productive human beings for the 21st century, schools need to continue to provide educationally relevant content that addresses the issues of justice, privacy, responsibility, authority, spirituality, and environment.

It is essential that our youth understand the various perspectives of diverse cultures and respect human differences. Knowledge, skills, and understanding will enable our youth to dispel the myths that distort history, to contribute effectively in a democratic society, to survive in a complex legal system, and to peacefully resolve conflict.

Until America comes to terms with the conditions and unresolved issues of American Indians, questions will continue to haunt the nation's conscience. If the Indians lose . . . we all lose.

—American Indian Digest: Facts About Today's American Indians*, 1995 ed. Thunderbird Enterprises, Phoenix, AZ*

✹ What is Law-Related Education?

Education for citizenship is a constitutional democracy is the main purpose of LRE in elementary and secondary schools. Given the fundamental place of law in American society, every citizen needs to know how the legal and political systems function, how the law affects them, and how they can affect it. LRE is the practical application of law to daily living; it is not specialized legal education. It is intended to develop an understanding of the values and principles on which the legal system is based.

✹ Why should Law-Related Education be included in the curriculum?

Reasons for including LRE in the curriculum include: (1) the development of knowledge, (2) the development of critical thinking and participation skills needed for citizenship, (3) the development of positive attitudes, and (4) the prevention of delinquency.

✹ What makes an effective LRE program?

Although research findings support the proposition that LRE reduces delinquent behavior, they indicate as well that then law-related instruction does not incorporate several critical features, there may be no measurable effect or even a worsening of students' behavior. This can occur even in classes where students show gains in their knowledge about the law. It is only when certain features—(1) classroom use of outside resource persons, (2) sufficient quantity and quality of instruction, (3) judicious selection of illustrative case materials, (4) teaching strategies that foster true student interaction, (5) involvement of important school administrators, and (6) availability and use by teachers of professional peer support—are incorporated into law-related education programs that we find positive improvements in behavior and attitudes. LRE programs that work and law are distinguished by these six characteristics.

We were lawless people, but we were on pretty good terms with the Great Spirit, creator and ruler of all. When people live far from scenes of the Great Spirit's making, it's easy for them to forget his laws.
—Tatanga Mani (Walking Buffalo), Stoney

✹ How does law-related instruction fit into the curriculum?

There are three obvious approaches to the inclusion of LRE in the curriculum:

- use of special events about the law
- a special unit or course on LRE
- infusion of LRE into various standard courses

Special events, such as law day, annually provide opportunities to draw attention to LRE and to provide special programs. Teachers might invite lawyers to participate in classroom or schoolwide activities. Other special events include mock trial competitions, field trips to courtrooms, and essay contests.

A separate unit or course on LRE is often included in the secondary school curriculum. Separate units typically appear in government and civics courses. Law and citizenship courses are also offered as electives in many schools. In some schools, there is a required LRE course. In elementary schools, separate units on law are found at various levels in the social studies curriculum. These units typically include case studies, simulations such as mock trials, and field trips to courts or juvenile justice settings.

The infusion of LRE lessons into standard courses in the social studies in another way of integrating LRE with the existing curriculum. Courses in civics, American history, world history, and government are the most likely subjects for infusion of significant content about the law. For example, when American history students study about the Bill of Rights or the Fourteenth Amendment, illustrative cases may be infused to develop deeper understanding and application of LRE concepts.

It appears that a semester or year-long course on LRE makes a positive difference in knowledge, skills, and attitudes. However, some law-related educators believe, that the preferred approach is systematic infusion; they contend that a carefully integrated strand of LRE throughout the elementary and secondary curriculum will yield the best results in terms of quantity and quality of instruction. [1]

[1]Excerpt from: Developing Law-Related Education Awareness Manual: to assist in developing awareness among teachers and resource persons. Published by: The Coordinating Committee of the LRE National Training and Dissemination Program.

Six broad-based themes are used as a focus for this model. The first four are borrowed from The Center for Civic Education's "Law in a Free Society" series, and are commonly addressed in LRE curricula. The fifth and sixth reflect the fact that spirituality and environment cannot be separated from Indian life and law. The brief definitions that follow should help to clarify the themes' function in this guide.

✹ Authority

Authority refers to the right to control or direct something or someone, and the rules and the people who use those rules to govern our lives. Authority is usually granted through laws, customs, or principles or morality. Its limits are also defined by those laws, customs and principles. Power is often mistaken for authority, but power is only the ability to control; authority requires the right to use that power.

When we were created we were given our ground to live on and from this time these were our rights.
—Chief Weninock, Yakima

✹ Environment

Environment refers to all the surrounding things, conditions, and influences affecting the development of living things. It is through the environment that we grow in our understanding of our connectedness to our social and physical environments. Human actions affect the environment both positively and negatively. Legal issues concerning those effects across various cultures are complex and involve tradition and change.

✹ Justice

Justice refers to the idea of fairness to individuals and groups, and issues of justice are usually divided into three types. **Distributive justice** deals with the fair distribution of benefits or burdens among several individuals or groups. **Corrective justice** deals with the fairness of the response or correction for a wrong or injury to a person or group. And **procedural justice** deals with the

fairness of the response or correction for a wrong or injury to a person or group. And procedural justice deals with how fairly information is gathered or a decision is made; in other words, with the process, not with the result.

✹ Privacy

Privacy refers to the right and/or responsibility to keep something (the object of privacy) private. The object of privacy may be tangible, such as a document or heirloom, or intangible, such as an idea or secret. In issues of privacy, the costs and benefits to the individual and to society must be weighed.

✹ Responsibility

Responsibility refers to a person's obligation or duty to do something or not to do something. Sometimes our responsibility is to ourselves, sometimes to a group. There are consequences, both positive and negative, to meeting or not meeting our responsibilities. These consequences can range from the simple, such as having extra time for lunch or missing lunch completely, to the far-reaching, such as earning a scholarship or being incarcerated. Ultimately, the lack of taking responsibility can result in the loss of rights.

✹ Spirituality

Spirituality refers to devotion to spiritual rather than worldly ideas. It reflects a concern with the spirit or the soul. It is an integral part of the character of an individual or a society.

Great Spirit, bless Mother Earth so the people will live in harmony with nature.
—High Bear

✹ How Indian Law-Related Education (ILRE) Fits With Montana's Social Studies Model Curriculum Guide

Law-Related Education (LRE) is an education approach designed to teach non-lawyers about law, the legal process, and the fundamental principles and values that underlie our constitutional democracy. Programs are characterized by relevant, high interest course materials; extensive use of community resource persons (CRPSs) from the justice system and related professions; field experiences; and participatory classroom teaching methods. LRE provides citizens with knowledge, skills, values and attitudes necessary to: (1) maintain a constitutional democracy, and (2) survive in our law-saturated, legally complex society; reduces juvenile delinquency when properly implemented and helps refocus teachers on the need to teach relevant content using the interactive methods that promote effective citizenship and civic literacy. Above all, LRE stresses the concept that, in order to preserve those rights we all value, each person must accept and execute certain responsibilities of personal, social, legal, and moral/religious nature. Montana and other states add another dimension to the study of legal systems. As people living on and off reservations cross those boundaries, they must be aware of the changes in laws and jurisdiction. All Montana students need to be educated concerning international, federal, state, local and tribal legal systems in order to function as positive members of our diverse society. No group or individual can stand alone and isolated from knowledge and civic cooperation with others. To address these needs, we have developed a model Indian Law-Related Education Curriculum Guide for teachers across the state to use with all Montana students.

Before we can set out on the road to success, we have to know where we are going, and before we can know that we must determine where we have been in the past.
—John F. Kennedy, 1963

The Montana *Social Studies Model Curriculum Guide* produced by the Office of Public Instruction in 1993 was intended to be a dynamic document to which new pieces could be added or with which other documents could be used. In order to produce a user-friendly document, the educators developing the ILRE Curriculum Guide have chosen to frame this document to mesh with the social studies guide.

An important component of this meshing process is the use of the thematic framework provided in the social studies model. We have referred to those themes in the sample lessons under the heading "Social Studies Themes." Therefore, a teacher planning a unit on "Cultural Heritage" will find lessons in this ILRE guide by looking under "Social Studies Themes" for "Cultural Heritage."

In addition, as in the social studies model, the model learner goals in this guide are stated in the form of sample thematic questions. To clarify the importance of the tribal belief systems as they impact the entire social studies curriculum, we have included a visual piece with accompanying narrative titled, "Our Mother Earth and All Life Are One...United." These are found in the section called "Sociological Perspective."

Another component of this document of obvious importance is a focus on Law-Related Education themes and concepts. The writers chose to concentrate on six broad-based themes. The first four, Responsibility, Authority, Privacy and Justice, are used by The Center for Civic Education and found in nearly all Law-Related Education materials. The fifth and sixth, Spirituality and Environment, reflect the importance the Indian people place on those concepts. Although elements of both exist in both social studies and LRE content, for the purpose of this guide, they deserve to stand alone as themes. These six themes are found in the sample lessons under the heading "ILRE Themes." In addition, the teacher will find within each model unit or lesson a list of more specific law-related concepts and topics such as sovereignty, jurisdiction, case study, appellate court. These can be found under the heading "ILRE Concepts."

It is our hope that this document will become an integral part of the social studies curriculum for all Montana students, and that you, as their teacher, will find it usable. We also hope that it serves to further the understanding of the cultural and legal diversity we all find in today's society.

No democracy can long survive which does not accept as fundamental to its very existence the recognition of minorities.
FDR, 1882-1945

A Sociological Perspective

Whether we are called Native Americans, Indians, Cherokees, or Crees, we know what we are. Our devotion to Mother Earth and our awareness of the relationship we have with the Great Mystery make us what we are. All this, all this calls us back to our ancestors.
—White Deer of Autumn

Every human being has a road to walk. The road you take may have many smaller roads. Yet, in our movement within the Circle of Life, we are linked together, for our Mother Earth and all life are one, united.

From a sociological perspective, it is our environment that helps shape us as human beings. When one sees oneself standing tall like the ponderosa pine, one asks, who am I? And where am I going? In one's search or quest for self-identity, many elements present themselves that assist in shaping our character and developing our personality.

The key element that links humankind to our Mother Earth is the environment. The sun, moon, stars, and the earth are one. The animals, the plants, winged beings and water beings are one. Our environment is a way of life. All life encompassed on this planet is dependent upon our Mother Earth. It is through the environment that we grow in our understanding of our connectedness to our social and physical environments. One's environment can be perceived as a necessary attribute that sustains life...all life. The environment is our food, shelter and clothing.

As one moves within the Circle of Life and continues to interact with the environment, one's life path can be said to be cyclical in nature. Our lives are ever unfolding like the flowers of time as we move within the seasons of spring, summer, winter, and fall. In this cyclical nature, life's circle is forever recurring because time moves in a circular motion, and just as the seasons unfold, so do our lives.

In this Circle of Life, one is tabula rasa, or born into this world without qualities. As an infant interacts with his or her significant others (family/friends) or generalized others, the child builds a foundation of self-identity. The "I-self" unfolds just as the wild rose that is nourished by nature. The family, clan or care providers are our first teachers. It is here that one's immediate needs are met, and it is here that love finds its roots and grows in many directions. Our family, clan or care providers teach us, and with their guidance we grow in our understanding of the world around us.

In our human interactions, we are capable of developing in language in order to communicate with humankind and the environment. Our first teachers give us the gift of cultural learning so we can build upon the perceptions that we formulate about people and the environment that we interact with each day. Our self identify is shaped and contingent upon the ways we come to know, the laws, rules, mores and norms of the culture we accept. The values we carry in our heart help us to grow in our communication and understanding of our immediate self as we continue to interact with ourselves, other people, and the environment. The concept of informal education begins at our roots, which we identify as home.

A time comes in each of our lives when we move out of the protective care of the family, clan, or care providers. The "stepping-out time" is when we leave our nests for a system of formal education called school. The educational system provides a means by which learning takes on new meaning and different dimensions. We come to interact with books, teachers, peers, counselors, administrators, principals and the many others employed in the educational system. Book learning replaces the cultural learning that traces back to our family, clan, or care providers. Informal learning may run contrary to formal learning which is a reality that cannot be ignored, and this reality may or may not affect an individual's quest for self-identity.

School is an institution where learning takes place. School teaches the basic educational foundations such as a system of communication based on the premises of oral and written language, reading, math, social sciences, science, health and physical education, liberal arts and vocational skills. We learn to interact in various ways with our peers, teachers and others. Our interactions may be positive or negative depending upon our perceptions, attitudes, and how we relate to ourselves and to other individuals or people. Our social self, cultural environment, and physical environment all contribute to shape our character and personality. Schools further provide avenues for social experiences by providing a wide range of extracurricular activities. The school also transmits cultural values of patriotism, responsibility, and citizenship. The educational system attempts to prepare individuals to be successful and productive citizens. Both our informal and formal education are essential in respect to the decisions that are to be made regarding one's personal vocation.

Each individual experiences what one may come to identify or know as the "trying times" in one's life. These "trying times" may be associated with individual interdependence based on one's personal volition. As we acquire knowledge and develop and grow in our understanding of time, place, people, and the environment, we develop attitudes and values that help in further shaping our self-identity. As we continue to expand, experience and act upon our social and physical environments, our perceptions may differ from those of other cultures or subcultures. Yet the diversities we all share should be respected, acknowledged, recognized, and appreciated.

In our quest for self-identity, our lives are intermingled with a wide range of human interactions. How we come to interact with our nation, state, tribe, or community is dependent upon how we have been treated and the experiences we have encountered, as well as the relationships we develop for each of these socially, politically, economically and geographically. Our lives are shaped by our demographics, where we live, and by the people who live there, and whom we

interact with. Our geographic locations assign us to a place that we may come to identify as our nation, our state, our community, our tribe. Our cultural roots bind us together if we are willing to accept the culture we are born into.

As each of us grows and develops in respect, understanding and appreciation of the world around us, we must work together to assist our governing bodies to continue in their efforts to protect our safety and well-being as a people. Our past, present, and future are dependent upon our responses to our governments, whether our interaction is with international governments, the federal government, state governments, tribal governments or local governments. We the people must let our voices be heard, for all our lives are impacted by the governments that we acknowledge.

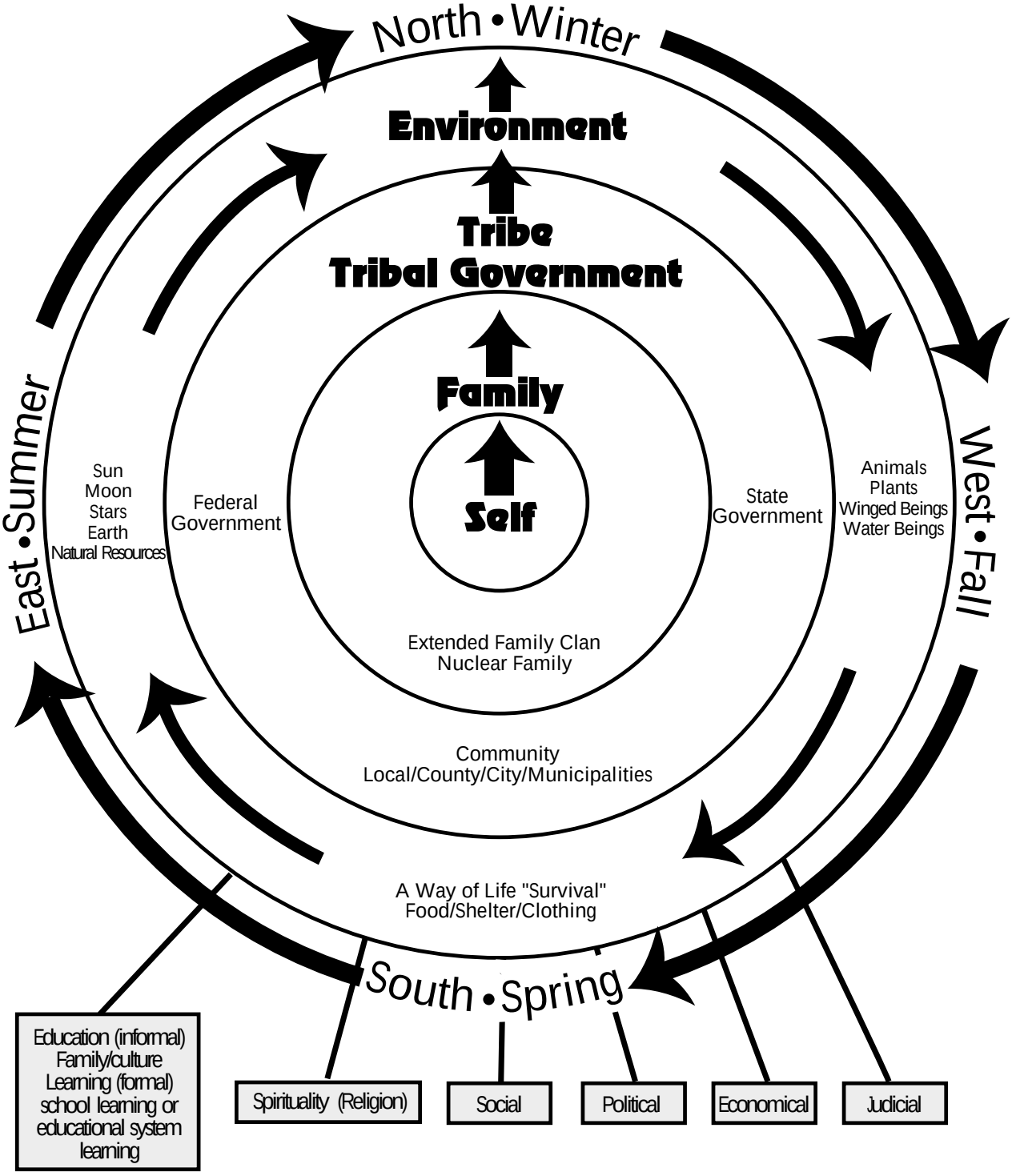
In our connectedness to our environment that shapes our lives as human beings, we must continue to respect our Mother Earth and all life. As we continue to move within the Circle of Life, our spiritual, social, political, economic, and judicial components play a significant role in each of our lives. Our environment, our government, and we as a people, are impacted by these components in a variety of ways because here in the United States, our society is based on capitalism and a system of supply and demand. The roads we have traveled have left their mark on the face of our Mother Earth and upon the people. There are still many roads to be traveled, and as we pave the way forward socially, politically and economically, let our visions be directed to our children and the generations of children yet to come.

Our Mother Earth and all life are one, united, and our environment is the key element that links us together and shapes our lives as human beings. We are all empowered with the spirit of life and intelligence. How we direct our spirituality is dependent upon our attitudes, values and beliefs that we acquire and accept as a people. To have faith is to believe in one's self or to have faith in a religion. The spirit and faith that we hold for ourselves and all life is the guiding force that has kept us moving forward in the Circle of Life from our past, present and future.

The moon, the horizon, the rainbow—circles within circles, with no beginning and no end.
—Lame Deer

"OUR MOTHER EARTH AND ALL LIFE ARE ONE...UNITED."

A Sociological Perspective: Our Environment Helps Shape Us as Human Beings



"ALL PEOPLE AND ALL LIFE ARE CONNECTED TO OUR MOTHER EARTH..."

✹ Interdisciplinary Connections to Accreditation Standards ✹

Although Law-Related Education and Indian Law-Related Education obviously "fit" within the social studies curriculum, they can and should be integrated into many other curricular areas, as well. According to the Montana School Accreditation Standards and Procedures Manual, topics and concepts of LRE and ILRE must be included in several disciplines. The pertinent portions of the manual, from both the "Program Area Standards" and the "Model Learner Goals," have been included here. Review of these portions will aid the teacher in determining which concepts to include in each specific program area or to meet which learner goal.

Give me your tired, your poor, your huddled masses yearning to be free, the wretched refuse of your teeming shore. Send these, the homeless, tempest-tossed to me. I lift my lamp beside golden door.
—Statue of Liberty inscription, 1903

In addition, Montana school laws charge schools and teachers with providing moral and civic instruction and further define what that instruction shall include (20-4-301 MCA). LRE and ILRE curriculum can provide concepts and materials to meet those needs.

✹ Montana School Accreditation Standards and Procedures and the impact on students ✹

Sub-Chapter 10
Learner Goals

SCHOOL PROGRAM
PROGRAM AREA STANDARDS

RULE 10.55.1002 CROSS-CONTENT AND THINKING SKILLS

All disciplines in the education program are interdependent and empowered by the application of creative and critical thinking skills. Subjects cannot be taught in isolation; they do, in fact, overlap and find their greatest value when they are part of an integrated program of knowledge, skills, and opportunities that challenge students. To this end:

Sub-Chapter 16
Social Studies: Program

Social studies draws on the social sciences (economics, history, political science, geography, sociology, anthropology, psychology) and the humanities (theory, literature, the arts, and philosophy). The social studies cover United States studies, global studies and the social science disciplines.

RULE 10.55.1601 SOCIAL STUDIES PROGRAM (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) A basic program in social studies gives the student an opportunity to:

(a) Participate in meaningful first-hand and hands-on learning activities that draw on experiences in the home, school, neighborhood, and the world;

(b) Participate in committee work, role playing, creative drama, classroom discussion, and interviews;

(c) Develop research skills, which may include the gathering and recording of information from a variety of sources such as films, pictures, oral and written literature, music, and field trips;

(d) Develop citizenship skills through sharing, acceptance of responsibility, cooperative learning, compromising, conflict resolution, and decision making;

(e) Enhance his/her communication skills through drawing, acting, reading, writing, listening, and speaking;

(f) Use topics that engage his/her interests and extend personal context for learning to a global realm. Learning activities are varied and involve the student intellectually, socially, and physically;

(g) Nurture an understanding of the contemporary and historical traditions and values of Native American cultures and other minority cultures of significance to Montana and to society.

Sub-Chapter 19
Guidance: Program

Students of all ages must make many choices that affect their lives, now and in the future. Comprehensive guidance programs are a way to serve the divergent and changing needs of students.

Appendix A

Model Learner Goals
Communication Arts

Health Enhancement: Model Learner Goals

HEALTH ENHANCEMENT MODEL LEARNER GOALS: PRIMARY (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) By the end of the primary level, the student shall have had the opportunity to:

(c) Develop positive interpersonal relationships and self-concepts.

(2) By the end of the primary level, the student shall have had the opportunity to identify:

(b) Roles, responsibilities, contributions, and life cycles in a family structure.

HEALTH ENHANCEMENT MODEL LEARNER GOALS: INTERMEDIATE (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) By the end of the intermediate level, the student shall have had the opportunity to demonstrate:

(c) Positive interpersonal relationships and self-concept.

(2) By the end of the intermediate level, the student shall have had the opportunity to understand:

(f) Cultural, environmental, social, and ethical issues which affect healthy lifestyles.

HEALTH ENHANCEMENT MODEL LEARNER GOALS: UPON GRADUATION (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) Upon graduation, the student shall have had the opportunity to:

(e) Understand roles, responsibilities, contributions, and life cycles in family structures.

(k) Understand the consequences of personal and community decisions that affect the economy and the cost, availability, and quality of health care.

Science: Model Learner Goals

GENERAL SCIENCE MODEL LEARNER GOALS: PRIMARY (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) By the end of the primary level, the student shall have had the opportunity to:

(b) Examine his/her environment using the five senses; recognize the limits of sensory perception.

(m) Be aware of the need for conservation, preservation, and the wise use of natural resources.

GENERAL SCIENCE MODEL LEARNER GOALS: INTERMEDIATE (In accordance with ARM 10.55.603 and ARM 10.55.100) (1) By the end of the intermediate level, the student shall have had the opportunity to:

(g) Be aware of the basic concepts in the life, physical, earth, and environmental sciences.

(k) Be aware of the need for conservation, preservation, and the wise use of natural resources.

LIFE SCIENCE MODEL LEARNER GOALS: INTERMEDIATE (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) A course of study in life science, offered at the intermediate level, shall give the student the opportunity to:

(a) Appreciate all living things and their relationships to one another and the environment.

GENERAL SCIENCE MODEL LEARNER GOALS: UPON GRADUATION (In accordance with ARM 10. 55.603 and ARM 10. 55.1001) (1) Upon graduation, the student shall have had the opportunity to:

(r) Be aware of the need for conservation, preservation, and the wise use of natural resources.

HISTORY AND WORLD CULTURE MODEL LEARNER GOALS: PRIMARY (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) By the end of the primary level, the student shall have had the opportunity to:

(a) Begin to identify cultural characteristics such as social traditions, art forms, and language.

(b) Demonstrate some basic knowledge about important chronological events in local, state, national, and world history.

(c) Begin to provide examples of economic, cultural, political, and technological developments which have contributed to human progress.

(d) Begin to identify individuals who played historical roles.

HISTORY AND WORLD CULTURE MODEL LEARNER GOALS: INTERMEDIATE (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) By the end of the intermediate level, the student shall have had the opportunity to:

(a) Explain how technology, economic activities, and learned patterns of behavior, such as prejudice, discrimination, conformity, and acceptance influence culture.

(c) Explain how the characteristics of culture are manifested in history, economics, government, arts, sciences, and religion.

(f) Demonstrate a knowledge of Montana history and of the state's diverse cultures.

HISTORY AND WORLD CULTURE MODEL LEARNER GOALS: UPON GRADUATION (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) Upon graduation, the student shall have had the opportunity to:

(a) Discuss the influence of social movements on the state, the nation, and the world.

(b) Analyze contemporary world issues in order to make decisions governing one's own personal life.

(c) Apply knowledge of history in determining plans of action for current and future concerns.

(d) Use his/her understanding of local, national, and world culture in addressing modern social problems.

LAW AND LEGAL RIGHTS MODEL LEARNER GOALS: PRIMARY (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) By the end of the primary level, the student shall have had the opportunity to:

(a) List some of the basic characteristics of the U.S. Constitution.

(b) Explain some of the freedoms contained in the Bill of Rights.

(c) Understand the basic functions of the U.S. government.

(d) Begin to identify different levels of government, such as city, county, state, tribal, and federal government.

(e) Explain some of the basic sources of law, such as congress and state legislatures.

(f) List basic public services provided by government.

(g) Experience involvement in his/her community through active participation in a community group.

LAW AND LEGAL RIGHTS MODEL LEARNER GOALS: INTERMEDIATE (In accordance with ARM 10.55.603 and ARM 1 0.55.1 001) (1) By the end of the intermediate level, the student shall have had the opportunity to:

(a) List the functions of the three branches of government.
(b) Explain the need for and function of separation of powers and checks and balances.
(c) List the individual rights protected by the first ten amendments to the U.S. Constitution.
(d) Give reasons why the Bill of Rights was added to the Constitution.
(e) Explain how constitutional change is made.
(f) Discuss the characteristics of federalism.
(g) Identify how laws emanate from various authorities.
(h) Explain the difference between civil and criminal law.
(i) Discuss the importance of judicial review.
(j) Explain the need for and provision of due process of law.
(k) Discuss the fundamental principles of American democracy.
(I) Continue his/her involvement in community groups, organizations, or services.

LAW AND LEGAL RIGHTS MODEL LEARNER GOALS: UPON GRADUATION (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) Upon graduation, students shall have had the opportunity to:

(a) Participate in the American political process by running for office, by working on campaigns, or by voting.

(b) Make informed political decisions based on knowledge and understanding of political philosophy, constitutional doctrine, and organization of local, state, and national governments.

(c) Apply an understanding of one's legal and civil rights in pursuing private and vocational endeavors.

GEOGRAPHY MODEL LEARNER GOALS: PRIMARY (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) By the end of the primary level, the student shall have had the opportunity to:

(a) Begin to list the basic characteristics of natural, physical, and cultural environments.
(f) Locate different cultural and physical regions.
(i) Give examples of the need for and benefits of natural resource conservation.

GEOGRAPHY MODEL LEARNER GOALS: INTERMEDIATE (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) By the end of the intermediate level, the student shall have had the opportunity to:

(a) Discuss the interrelationships of environments, cultures, and weather and how people adapt to them.

GEOGRAPHY MODEL LEARNER GOALS: UPON GRADUATION (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) Upon graduation, the student shall have had the opportunity to:

(a) Demonstrate a knowledge of state, national, and world geography.

(b) Make civic, vocational, and private decisions guided by an understanding of various global environments and cultural settings.

SOCIAL INSTITUTIONS MODEL LEARNER GOALS: PRIMARY (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) By the end of the primary level, the student shall have had the opportunity to:

(b) List individual responsibilities, such as honesty, tolerance, and compassion.

(c) List some of the basic social institutions, such as family, educational, and religious institutions.

(e) Begin to discuss traits of interactive social processes, such as cooperation, competition, and conflict and how social roles of leadership, following, aggression, and submission affect these processes.

(f) Identify some social classes and social groups, including ethnic and minority groups.

(g) Give examples of social control, such as dependency, reward, and punishment.

SOCIAL INSTITUTIONS MODEL LEARNER GOALS: INTERMEDIATE (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) By the end of the intermediate level, the student shall have had the opportunity to:

(b) Explain how basic differences between individual values and group norms impact social problems.

(c) Explain the relationship of economics, politics, science, and religion to social institutions.

(d) List examples of social interaction, such as peer pressure, group dynamics, assimilation, and accommodation.

(e) Discuss how societies implement social control.

SOCIAL INSTITUTIONS MODEL LEARNER GOALS: UPON GRADUATION (In accordance with ARM 10. 55.603 and ARM 10.55.1001) (1) Upon graduation, the student shall have had the opportunity to:

(a) Understand and appreciate diverse worldwide social institutions.

(b) Determine how current environmental, economic, and political changes affect various social changes throughout the world.

CRITICAL THINKING, PROBLEM SOLVING, AND DECISION MAKING MODEL LEARNER GOALS: PRIMARY (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) By the end of the primary level, the student shall have had the opportunity to:

(a) Classify information by sequence and in groups.

(b) Interpret information by stating relationships, noting cause and effect, drawing inferences, and predicting outcomes.

(c) Analyze information by organizing key ideas, separating major components, examining relationships, detecting bias, and comparing and contrasting ideas.

(d) Summarize information by restating major ideas and forming opinions.

(e) Synthesize information by communicating orally and in writing.

(f) Evaluate information by using criteria such as source, objectivity, and technical correctness.

(g) Apply decision-making skills by securing needed factual information, recognizing values, identifying alternative courses and consequences, and taking action.

CRITICAL THINKING, PROBLEM SOLVING, AND DECISION MAKING MODEL LEARNER GOALS: INTERMEDIATE (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) By the end of the intermediate level, the student shall have had the opportunity to:

(a) Summarize information by combining critical concepts into a statement of conclusions and by stating a hypothesis.

(b) Synthesize information by proposing a new plan or system and reinterpreting events in terms of what might have happened.

(c) Use social and political participation skills to communicate effectively, recognize mutual relationships, set goals, plan, organize, and make decisions; keep informed, cooperate, negotiate, compromise, and accept responsibility.

CRITICAL THINKING, PROBLEM SOLVING, AND DECISION MAKING MODEL LEARNER GOALS: UPON GRADUATION (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) Upon graduation, the student shall have had the opportunity to:

(a) Develop an ability to classify, interpret, and analyze information in the pursuit of his/her career, civic responsibilities, and economic and private endeavors.

(b) Make decisions based on summarizing data and evaluating alternatives.

SOCIAL STUDIES PROGRAM DEVELOPMENT (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) The social studies curriculum shall be developed and evaluated according to the standards for all program areas.

(2) Students shall be encouraged to take advantage of spontaneous curiosity as it occurs in order to foster learning from current issues and events.

(3) Teachers shall recognize the effectiveness of thematic units that integrate social studies into cross-curriculum learning.

(4) Instruction in the social studies shall take advantage of out-of-classroom programs and resource people, natural and field experiences, and public service activities that enhance student learning.

BUSINESS AND OFFICE EDUCATION MODEL LEARNER GOALS (In accordance with ARM 10.55.603 and ARM 10.55.1001)

(1) If offered, a course of study in business and office education shall give the student the opportunity to:

(f) Display leadership, citizenship, and cooperation developed through membership and participation in civic and vocational organizations.

Guidance: Model Learner Goals

GUIDANCE: PERSONAL DEVELOPMENT MODEL LEARNER GOALS: PRIMARY (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) By the end of the primary level, the student shall have had the opportunity to:

(b) Experience security in his/her school environment.

(d) Develop decision-making skills and accept responsibility for his/her decisions.

GUIDANCE: PERSONAL DEVELOPMENT MODEL LEARNER GOALS: INTERMEDIATE (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) By the end of the intermediate level, the student shall have had the opportunity to develop:

(a) A sense of conscience, morality, personal value, and self-worth.

(f) Strong decision-making skills and an acceptance of responsibility for his/her decisions.

GUIDANCE: PERSONAL DEVELOPMENT MODEL LEARNER GOALS: UPON GRADUATION (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) Upon graduation, a student shall have had the opportunity to:

(a) Develop personal independence as a responsible adult.

GUIDANCE: SOCIAL DEVELOPMENT MODEL LEARNER GOALS: PRIMARY (In accordance with ARM 10.55.603 and ARM 10.55. 1001) (1) By the end of the primary level, the student shall have had the opportunity to:

(c) Understand and appreciate the rights of others.

GUIDANCE: SOCIAL DEVELOPMENT MODEL LEARNER GOALS: INTERMEDIATE (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) By the end of the intermediate level, the student shall have had the opportunity to:

(a) Gain a sense of social recognition.

(b) Have the opportunity to establish close peer relationships.

(c) Recognize and respect the fact that different people have different values and systems of values.

GUIDANCE: SOCIAL DEVELOPMENT MODEL LEARNER GOALS: UPON GRADUATION (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) Upon graduation, the student shall have had the opportunity to:

(a) Develop a sense of responsibility to self, others, and society.

(b) Use abilities and skills in establishing and maintaining family, peer, and community relationships.

MODEL LEARNER GOALS/THEMATIC QUESTIONS

Model learner goals for this document are stated in the form of sample thematic questions. These questions are categorized according to the six themes around which this guide is organized. The questions are further grouped by the grade level cluster at which they are introduced. In addition, each question is accompanied by a list of law-related and tribal law-related concepts relating to the question.

For example, for a fifth grade lesson or unit from the AUTHORITY theme, one might choose the organizing question, "How do leaders gain authority in various cultures?" Using the concepts listed with the question, content questions could be created for developing specific lessons or tasks. Such questions might include, "How are the results of national elections determined in the U.S.?"; "How do American Indians become members of their tribal councils?"; "How does an American Indian become a chief? Is the process the same in all tribes?"; "Besides elections, what other methods do cultures use to grant authority?"

We therefore ask you while you are teaching school children, teach them the truth about the First Americans . . . Why not teach school children more of the wholesome proverbs and legends of our people? That we killed game only for food, not for fun . . . Tell your children of the friendly acts of Indians to the white people who first settled here. Tell them of our leaders and heroes and their deeds . . . Put in your history books the Indian's part in the World War. Tell how the Indian fought for a country of which he was not a citizen, for a flag to which he had no claim, and for a people who treated him unjustly.
—Grand Council Fire of American Indians to the Mayor of Chicago, 1927

Model Learner Goals/Thematic Questions ***AUTHORITY***	**Concepts**	
PRIMARY • K-2 •	***LRE***	***AMERICAN INDIAN***
• What is a tribe?	• Authority, sovereignty	• Sovereignty, tribe, family
• What is private property?	• Property rights, privacy	• Communal property
• What is communal property?	• Property rights, privacy	• Communal property, tribe
• How do groups best make decisions (compromise, consensus)?	• Intergovernmental relations, Constitutional principles, consensus	• Tribe, band, rules, customs
• What are the basic human rights?	• Constitutional principles, privacy, expression	• Customs, tradition
• How do our actions reflect understanding of basic human rights?	• Constitutional principles, responsibility, consensus	• Customs, tribal sovereignty
• Who are the authority figures in various cultures?	• Authority, sovereignty	• Elders, chief, tribe, tribal council
INTERMEDIATE • 3-5 •	***LRE***	***AMERICAN INDIAN***
• How do an individual's decisions affect other citizens?	• Privacy, Constitutional principles	• Tribe, customs, family
• When do the responsibilities of citizenship take precedence over personal rights?	• Privacy, consensus, property rights, authority responsibility	• Customs, tribal religion
• When do rights of free expression conflict with the rights of other members of society?	• Free expression, privacy, property rights, justice	• Customs, sovereignty
• How do leaders gain authority in various cultures?	• Authority, sovereignty	• Elders, chief, customs, council
• What is the procedure for conducting peer mediation in order to resolve conflict?	• Intergovernmental relations, consensus, responsibility	• Tribal council, customs, treaties
• What are the responsibilities of authorities in various cultures?	• Authority, sovereignty	• Tribal council, customs, chief, self-determination
MIDDLE SCHOOL • 6-8 •	***LRE***	***AMERICAN INDIAN***
• How do symbols reflect values and attitudes of a society?	• Tradition	• Customs, tribal religion
• What is sovereignty?	• Sovereignty, authority	• Tribe, chief, tribal council
• How was the U.S. Constitution influenced by the governmental organization of the Iroquois league?	• Sovereignty, consensus, tradition, property rights	• Tribal government, customs
• How are Tribal Councils similar to/different from each other and other governmental bodies?	• Constitutional principles, authority, jurisdiction, authority	• Tribal council, chief elders, customs
• What is jurisdiction?	• Authority, jurisdiction	• Self-determination, tribal council
• What are some components of contemporary Indian governments?	• Authority, sovereignty, • Constitutional principles, intergovernmental relations	• Customs, consensus tribal council
• How do Montana's Indian cultures compare with each other, both historically and currently?	• Authority, sovereignty	• Tribal council, customs, elders
• How are governments and tribes trying to solve problems concerning natural resources?	• Consensus, tradition, authority, sovereignty	• Customs, religion
• How do contemporary lifestyles of Indians living on Montana reservations compare with those in urban areas?	• Responsibility, privacy, tradition	• Customs

Model Learner Goals/Thematic Questions	**Concepts**	
AUTHORITY (cont.)		
HIGH SCHOOL • 9-12 •	***LRE***	***AMERICAN INDIAN***
• How does sovereignty apply to Indian nations?	• Sovereignty, authority	• Self-determination, tribe, religion, customs
• How are Indian nations recognized in the U.S. constitution?	• Constitutional principles, sovereignty, jurisdiction	• Tribe, customs, tribal sovereignty
• How do state, federal and Indian Bills of Rights compare to each other?	• Intergovernmental relations, Constitutional principles	• Self-determination, customs, tribal religion
• How do basic courtroom procedures vary in different jurisdictions?	• Jurisdiction, justice, case law Constitutional principles	• Tribal council, self-determination
• What is the nature of conflicts between modern tribal and state governments?	• Jurisdiction, intergovernmental relations, justice	• Tribal council, tribe, customs
• What is tribal jurisdiction and how does it interact with other bodies of authority?	• Sovereignty, authority, Constitutional principles, consensus	• Tribal council, customs
• What is the role of the federal government in solving disputes between states and the Indian reservations within those states?	• Sovereignty, authority, • Constitutional principles consensus	• Tribal council, customs
• What were the major issues that affected negotiations between tribal nations and the U.S. government?	• Sovereignty, authority, intergovernmental relations, responsibility	• Customs, chief, treaties, religion
• What are the conflicts that arise from economic developments, sacred tribal sites, and environmental issues?	• Sovereignty, tradition, intergovernmental relations jurisdiction	• Tribal religion, customs, treaties
ENVIRONMENT		
PRIMARY • K-2 •	***LRE***	***AMERICAN INDIAN***
• What is a tribe?	• Authority, sovereignty	• Family, tribe
• What is communal property?	• Property rights, privacy	• Communal property, tribe
• What are the basic human rights?	• Constitutional principles, privacy, expression	• Tribal customs, tradition
• How do our actions reflect understanding of basic human rights?	• Constitutional principles, responsibility, consensus	• Elders, chief, tribal council
INTERMEDIATE • 3-5 •	***LRE***	***AMERICAN INDIAN***
• How do an individual's decisions affect other citizens?	• Privacy, Constitutional principles, intergovernmental relations	• Tribal customs, family
• When do the responsibilities of citizenship take precedence over personal rights?	• Privacy, sovereignty, consensus, Constitutional principles	• Communal property, sovereignty, customs
* When do rights of free expression conflict with the rights of other members of society?	• Free expression, privacy, responsibility	• Customs, religion
MIDDLE SCHOOL • 6-8 •	***LRE***	***AMERICAN INDIAN***
• How do Montana's Indian cultures compare with each other, both historically and currently?	• Sovereignty	• Tradition, customs, tribal government
• How are governments and tribes trying to solve problems concerning natural resources?	• Consensus, sovereignty, intergovernmental relations	• Tradition, customs
• How do contemporary lifestyles of Indians living on Montana reservations compare with those in urban areas?	• Responsibility, privacy, tradition	• Customs
• How does Native American Folklore, as taught through legends, reflect tribal values?	• Tradition	• Tribal religion, customs

Model Learner Goals/Thematic Questions	Concepts	
***ENVIRONMENT* (cont.)**		
High School • 9-12 •	***LRE***	***American Indian***
• What are major issues that face contemporary tribal governments?	• Authority, responsibility, intergovernmental relations	• Tribal religion, customs, treaties
• How do these issues reflect notions of environmental ethics?	• Authority, responsibility, intergovernmental relations	• Tribal religion, customs, treaties
• What are the conflicts that arise from economic developments, sacred tribal sites, and environmental issues?	• Sovereignty, tradition, intergovernmental relations, jurisdiction	• Tribal religion, customs, treaties
• What were the major issues that affected negotiations between tribal nations and the U.S. government? in authority? in various cultures?	• Sovereignty, authority, intergovernmental relations, responsibility	• Customs, chief, treaties, religion
JUSTICE		
Primary Cluster • K-2 •	***LRE***	***American Indian***
• How do groups best make decisions (compromise, consensus)?	• Responsibility, authority, consensus, sovereignty, intergovernmental relations	• Tribe, family, councils
• What are the basic human rights?	• Privacy, justice, property rights	• Cultural rights, tradition, tribal council
• How do our actions reflect understanding of basic human rights?	• Responsibility, authority, tradition, property rights, jurisdiction, Constitutional principles	• Cultural rights, customs
• Who are the authority figures in various cultures?	• Authority, sovereignty, Constitutional principles	• Chief, council, elders, reservation
Intermediate • 3-5 •	***LRE***	***American Indian***
• How do an individual's decisions affect other citizens?	• Privacy, responsibility, justice, Constitutional principles	Family, band, tribe
• When do the responsibilities of citizenship take precedence over personal rights?	• Privacy, justice, sovereignty, Constitutional principles, intergovernmental relations	Tribal, family, customs
• When do rights of free expression conflict with the rights of other members of society?	• Expression, responsibility, privacy, Constitutional principles	Customs, culture
• How do leaders gain authority in various cultures?	• Responsibility, authority, sovereignty, jurisdiction	Tribal government, reservation government, elders, customs
• What is the procedure for conducting peer mediation in order to resolve conflict?	• Case law, justice, consensus	Tribal council, tradition, customs
• What are the responsibilities of authorities in various cultures?	• Sovereignty, jurisdiction, responsibility, authority	Elders, chief, family, tribal government
Middle School • 6-8 •	***LRE***	***American Indian***
• What is sovereignty?	• Sovereignty, authority, responsibility	Elders, chief, tribal councils
• What are the rights guaranteed under the First Amendment?	• Constitutional principles, expression, responsibility	Tribal religion, customs
• How was the U.S. Constitution influenced by the governmental organization of the Iroquois league?	• Sovereignty, consensus, tradition, property rights, responsibility, authority	Tribal government, customs
• What are good ways to discuss differing points of view?	• Consensus, justice, Constitutional principles, intergovernmental relations	Negotiations, treaties, elders, customs
• What are some components of contemporary Indian governments?	• Constitutional principles, sovereignty	Tribe, elders, council, tribal religions
• How are governments and tribes trying to solve problems concerning natural resources?	• Sovereignty, jurisdiction, intergovernmental relations, consensus	Treaties, customs, religious sites
• How do contemporary lifestyles of Indians living on Montana reservations compare with those in urban areas?	• Responsibility, consensus, citizenship	Reservation, tribe, family, tribal religion

Model Learner Goals/Thematic Questions ***JUSTICE* (CONT.)**	Concepts	
High School • 9-12 •	***LRE***	***American Indian***
• How are Indian nations recognized in the U.S. Constitution?	• Sovereignty, jurisdiction, Constitutional principles	• Tribal sovereignty, treaties, council, elders
• What are the rights guaranteed under the Constitution/Bill of Rights?	• Constitutional principles, responsibility, expression, privacy, property rights	• Sovereignty
• How do state, federal and Indian Bills of Rights compare to each other?	• Constitutional principles, property rights, sovereignty, jurisdiction	• Self-determination, customs, tribal religion
• How do basic courtroom procedures vary in different jurisdictions?	• Jurisdiction, case law, justice, Constitutional principles	• Tribal customs, sovereignty
• What is the nature of conflicts between modern tribal and state governments?	• Authority, jurisdiction, case law, tradition, intergovernmental relations	* Retrocession, customs, elders, tribal council
• What is tribal jurisdiction and how does it interact with other bodies of authority?	• Jurisdiction, authority, intergovernmental relations, sovereignty	• Elders, tribal council, customs
• What is the role of the federal government in solving disputes between states and the Indian reservations within those states?	• Consensus, authority, Constitutional principles, justice, sovereignty	• Treaties, customs, tribal council, self-determination
• What were the major issues that affected negotiations between tribal nations and the U.S. government?	• Sovereignty, jurisdiction, intergovernmental relations	• Treaties, sovereignty, self-determination, customs
PRIVACY ***Primary • K-2 •***	***LRE***	***American Indian***
• What is private property?	• Privacy, property rights	• Customs
• What is communal property?	• Privacy, property rights	• Customs, tribal religion
• What are the basic human rights?	• Privacy, property rights	• Customs
• How do our actions reflect understanding of basic human rights?	• Privacy, sovereignty, • Constitutional principles, responsibility	• Customs, tribal religion, tribal sovereignty
Intermediate • 3-5 •	***LRE***	***American Indian***
• How do an individual's decisions affect other citizens?	• Privacy, property rights, Constitutional principles, responsibility	• Communal property, tribal religion, customs
• When do the responsibilities of citizenship take precedence over personal rights?	• Privacy, consensus, property rights, authority, responsibility	• Customs, tribal religion
• When do rights of free expression conflict with the rights of other members of society?	• Free expression, privacy, property rights, justice	• Customs, sovereignty
Middle School • 6-8 •	***LRE***	***American Indian***
• How do ideas of private and communal property interact/conflict?	• Property rights, privacy, intergovernmental relations, jurisdiction	• Communal property, sovereignty
• What is jurisdiction?	• Jurisdiction, authority, sovereignty	• Tribal sovereignty
• What is the American Indian Religious Freedom Act?	• Constitutional principles, intergovernmental relations	• Tribal religion, customs, treaties
• How does Native American Folklore, as taught through legends, reflect tribal values?	• Tradition	• Customs, tribal religion

Model Learner Goals/Thematic Questions	**Concepts**	
***PRIVACY* (cont.)**		
High School • 9-12 •	***LRE***	***American Indian***
• How does sovereignty apply to Indian nations?	• Sovereignty, authority	• Tribal council, customs, elders, self-determination
• What are the rights guaranteed under the Constitution/Bill of Rights?	• Constitutional principles, responsibility	• Self-determination, customs
• How do state, federal and Indian Bills of Rights compare to each other?	• Intergovernmental relations, Constitutional principles	• Self-determination, customs, tribal religion, treaties
• What were the major issues that affected negotiations between tribal nations and the U.S. government?	• Sovereignty, tradition, privacy Constitutional principles, authority, property rights	• Communal property, customs, religion, treaties
RESPONSIBILITY		
Primary • K-2 •	***LRE***	***American Indian***
• What is a tribe?	• Authority, sovereignty	• Sovereignty, family, tribe
• What is private property?	• Property rights, privacy	• Communal property
• What is communal property?	• Property rights, privacy	• Communal property, tribe
• How do groups best make decisions (compromise, consensus)?	• Intergovernmental relations, Constitutional principles, consensus	• Tribe, band, elders, customs
• What are the basic human rights?	• Constitutional principles, privacy, expression	• Tribal customs, traditions
• How do our actions reflect understanding of basic human rights?	• Constitutional principles, responsibility, consensus	• Customs, sovereignty
• Who are the authority figures in various cultures?	• Authority, sovereignty	• Elders, chief, tribe, tribal council
Intermediate • 3-5 •	***LRE***	***American Indian***
• How do an individual's decisions affect other citizens?	• Constitutional principles, intergovernmental relations, privacy	• Tribe, customs, family
• When do the responsibilities of citizenship take precedence over personal rights?	• Privacy, sovereignty, consensus, Constitutional principles	• Communal property, sovereignty, customs
• When do rights of free expression conflict with the rights of other members of society?	• Free expression, privacy, responsibility	• Customs, religion
• How do leaders gain authority in various cultures?	• Authority, sovereignty	• Elders, chief, customs, council
• What are the responsibilities of authorities in various cultures?	•Authority, sovereignty, Constitutional principles, intergovernmental relations	• Tribe, chief, family council

Model Learner Goals/Thematic Questions	Concepts	
***RESPONSIBILITY* (cont.)**		
MIDDLE SCHOOL • 6-8 •	***LRE***	***AMERICAN INDIAN***
• How do ideas of private and communal property interact/conflict?	• Property rights, privacy	• Communal property, customs
• What is sovereignty?	• Sovereignty, authority	• Treaties, elders, chief
• What is the American Indian Religious Freedom Act?	• Constitutional principles	• Tribal religion, customs
• What are the rights guaranteed under the First Amendment?	• Expression, religion, press, Constitutional principles	• Tribal religion, customs
• How was the U.S. Constitution influenced by the governmental organization of the Iroquois league?	• Sovereignty, consensus, property rights, authority responsibility	• Tribal government, authority
• How are Tribal Councils similar to/different from each other and other governmental bodies?	• Authority, sovereignty, jurisdiction	• Tribal council, tribe, customs
• What is jurisdiction?	• Jurisdiction, authority	• Tribal council
• What are good ways to discuss differing points of view?	• Consensus, Constitutional principles, intergovernmental relations	• Pow wow, customs, tribal council
• What are some components of contemporary Indian governments?	• Constitutional principles, sovereignty, tradition	• Tribal council, customs
• How do Montana's Indian cultures compare with each other, both historically and currently?	• Sovereignty	• Tradition, customs, tribal government, treaties
• How are governments and tribes trying to solve problems concerning natural resources?	• Consensus, sovereignty, Intergovernmental relations	• Tradition, customs, self-determination
• How does Native American Folklore, as taught through legends, reflect tribal values?	• Tradition	• Customs, tribal religion
HIGH SCHOOL • 9-12 •	***LRE***	***AMERICAN INDIAN***
• How does sovereignty apply to Indian nations?	• Sovereignty, authority	• Self-determination, elders, tribal council, customs
• What are the rights guaranteed under the Constitution/ Bill of Rights?	• Responsibility, privacy, Constitutional principles	• Self-determination, customs
• How do state, federal and Indian Bills of Rights compare to each other?	• Intergovernmental relations, Constitutional principles	• Self-determination, customs
• How do basic courtroom procedures vary in different jurisdictions?	• Jurisdiction, justice, case law, Constitutional principles	• Tribal council, self-determination
• What is the role of the federal government in solving disputes between states and the Indian reservations within those states?	• Sovereignty, authority, consensus, Constitutional principles	• Tribal council, customs
• What were the major issues that affected negotiations between tribal nations and the U.S. government?	• Sovereignty, authority, intergovernmental relations, responsibility	• Customs, chief, treaties, religion
• How do these issues reflect notions of environmental ethics?	• Authority, responsibility, intergovernmental relations	• Tribal religion, customs, treaties
• What are the conflicts that arise from economic developments, sacred tribal sites, and environmental issues?	• Sovereignty, tradition, intergovernmental relations jurisdiction	• Tribal religion, customs, treaties
SPIRITUALITY		
PRIMARY • K-2 •	***LRE***	***AMERICAN INDIAN***
• What are the basic human rights?	• Privacy, property rights	• Tribal religion, customs
• How do our actions reflect understanding of basic human rights?	• Privacy, sovereignty, Constitutional principles, responsibility	• Customs, tribal sovereignty, tribal religion
• Who are the authority figures in various cultures?	• Authority, sovereignty	• Elders, chief, tribe, tribal council

Model Learner Goals/Thematic Questions ***SPIRITUALITY*** **(cont.)**	**Concepts**	
Intermediate • 3-5 •	***LRE***	***American Indian***
• How do an individual's decisions affect other citizens?	• Privacy, Constitutional principles, intergovernmental relations	• Tribe, customs, family
• When do the responsibilities of citizenship take precedence over personal rights?	• Privacy, sovereignty, Constitutional principles,	• Communal property, elders, customs
• When do rights of free expression conflict with the rights of other members of society?	• Free expression, privacy responsibility	• Customs, religion
• How do leaders gain authority in various cultures?	• Authority, sovereignty	• Elders, chief, customs, council
• What are the responsibilities of authorities in various cultures?	• Authority, sovereignty, Constitutional principles, intergovernmental relations	• Tribe, chief, family, council
Middle School • 6-8 •	***LRE***	***American Indian***
• How do symbols reflect values and attitudes of a society?	• Tradition	• Customs, tribal religion
• What is the American Indian Religious Freedom Act?	• Constitutional principles, intergovernmental relations	• Tribal religion, customs, treaties
• How do Montana's Indian cultures compare with each other, both historically and currently?	• Sovereignty, authority	• Tradition, customs, treaties, tribal government
• How are governments and tribes trying to solve problems concerning natural resources?	• Consensus, sovereignty, intergovernmental relations	• Tradition, customs
• How does Native American Folklore, as taught through legends, reflect tribal values?	•Tradition	• Tribal religion, customs
High School • 9-12 •	***LRE***	***American Indian***
• What were the major issues that affected negotiations between tribal nations and the U.S. government?	• Sovereignty, authority, intergovernmental relations, responsibility	• Customs, chief, treaties, religion
• What are the conflicts that arise from economic developments, sacred tribal sites, and environmental issues?	• Sovereignty, tradition, intergovernmental relations, jurisdiction	• Tribal religion, customs, treaties

✹ Social Studies Thematic Questions focusing on Indian Law-Related Education ✹

1. Cultural Heritage

Primary K-2

- What is a tribe?
- Who are the authority figures in various cultures?

Intermediate 3-5

- What are the responsibilities of authorities in various cultures?

Middle School 6-8

- What is the American Indian Religious Freedom Act?
- How was the U.S. Constitution influenced by the governmental organization of the Iroquois league?
- How does Native American Folklore, as taught through legends, reflect tribal values?

High School 9-12

- What are the conflicts that arise from economic developments, sacred tribal sites, and environmental issues?

2. Social History

Primary K-2

- What is a tribe?

Intermediate 3-5

- How do leaders gain authority in various cultures?
- When do rights of free expression conflict with the rights of other members of society?

Middle School 6-8

- How do symbols reflect values and attitudes of a society?

3. Tradition and Change

Middle School 6-8

- How do symbols reflect values and attitudes of a society?
- What is jurisdiction?
- How do contemporary lifestyles of Indians living on Montana reservations compare with those in urban areas?
- How does Native American Folklore, as taught through legends, reflect tribal values?

High School 9-12

- How does sovereignty apply to Indian nations?
- How do basic courtroom procedures vary in different jurisdictions?
- What are major issues that face contemporary tribal governments?

4. Social Contracts

Primary K-2

- What is private property?
- What is communal property?
- How do groups best make decisions (compromise, consensus)?
- What are the basic human rights?
- How do our actions reflect understanding of basic human rights?

Intermediate 3-5

- How do an individual's decisions affect other citizens?
- What is the procedure for conducting peer mediation in order to resolve conflict?

Middle School 6-8

- How do ideas of private and communal property interact/conflict?
- What are good ways to discuss differing points of view?
- What are some components of contemporary Indian governments?

High School 9-12

- How are Indian nations recognized in the U.S. Constitution?
- What are the rights guaranteed under the Constitution/Bill of Rights?
- What is the role of the federal government in solving disputes between states and the Indian reservations within those states?

5. Citizenship

Primary K-2

- How do groups best make decisions (compromise, consensus)?
- What are the basic human rights?
- How do our actions reflect understanding of basic human rights?

Intermediate 3-5

- How do an individual's decisions affect other citizens?
- When do the responsibilities of citizenship take precedence over personal rights?
- When do rights of free expression conflict with the rights of other members of society?
- What is the procedure for conducting peer mediation in order to resolve conflict?

Middle School 6-8

- What is the American Indian Religious Freedom Act?
- What are the rights guaranteed under the First Amendment?
- How was the U.S. Constitution influenced by the governmental organization of the Iroquois league?

High School 9-12

- What are the rights guaranteed under the Constitution/Bill of Rights?

6. Political/Economic

Primary K-2

- What is a tribe?
- Who are the authority figures in various cultures?

Intermediate 3-4

- How do leaders gain authority in various cultures?
- What are the responsibilities of authorities in various cultures?

Middle School 6-8

- How do ideas of private and communal property interact/conflict?
- What is sovereignty?
- How are Tribal Councils similar to/different from each other and other governmental bodies?
- What is jurisdiction?
- What are some components of contemporary Indian governments?
- How do Montana's Indian cultures compare with each other, both historically and currently?
- How are governments and tribes trying to solve problems concerning natural resources?

High School 9-12

- How does sovereignty apply to Indian nations?
- How do basic courtroom procedures vary in different jurisdictions?
- What is the nature of conflicts between modern tribal and state governments?
- What is tribal jurisdiction and how does it interact with other bodies of authority?
- What were the major issues that affected negotiations between tribal nations and the U.S. government?

7. Technology

Middle School 6-8

- How are governments and tribes trying to solve problems concerning natural resources?

High School 9-12

- What are the conflicts that arise from economic developments, sacred tribal sites, and environmental issues?

8. Space, Place, Movement

Primary K-2

- What is private property?
- What is communal property?

Middle School 6-8

- How do contemporary lifestyles of Indians living on Montana reservations compare with those in urban areas?

High School 9-12

- What is the nature of conflicts between modern tribal and state governments?
- What were the major issues that affected negotiations between tribal nations and the U.S. government?
- How do these issues reflect notions of environmental ethics?

9. Global Perspective

Middle School 6-8

- What is sovereignty?
- How are Tribal Councils similar to/different from each other and other governmental bodies?

High School 9-12

- What are major issues that face contemporary tribal governments?
- How do these issues reflect notions of environmental ethics?

10. Interdependence

Primary K-2

- What is communal property?

Intermediate 3-5

- How do an individual's decisions affect other citizens?
- When do the responsibilities of citizenship take precedence over personal rights?

Middle School 6-8

- What are the rights guaranteed under the First Amendment?
- How was the U.S. Constitution influenced by the governmental organization of the Iroquois league?
- What are good ways to discuss differing points of view?
- How do Montana's Indian cultures compare with each other, both historically and currently?

High School 9-12

- How are Indian nations recognized in the U.S. constitution?
- How do state, federal and Indian Bills of Rights compare to each other?
- What is tribal jurisdiction and how does it interact with other bodies of authority?
- What is the role of the federal government in solving disputes between states and the Indian reservations within those states?

Indian Law-Related Education Scope and Sequence

The following scope and sequence chart is based on the typical developmental ages of the students at each grade cluster level and is stated in the form of brief, broad objectives, or goals.

K-2 Cluster

- Examine the social units of family, community, tribe
- Explore the concepts of right and wrong
- Introduce the ideas of "me" and "we"
- Identify rules affecting one's life
- Examine the need for rules that work
- Develop skills for working with others
- Introduce the concept of self-responsibility
- Integrate ILRE concepts with literature, social studies, and other disciplines

3-5 Cluster

- Examine social, natural, and political environments
- Identify one's place in family, community, tribe, nation
- Investigate the relevance of geography to movement, settlement and placement of groups of people
- Develop participation and decision-making skills
- Compare lifestyles of various tribes and other cultural groups
- Connect cultural and historical events to ideas and customs to look at different perspectives
- Introduce roles and responsibilities of people with authority
- Investigate the various facets of governments
- Integrate ILRE concepts with literature, social studies, and other disciplines

6-8 Cluster

- Develop critical thinking skills
- Investigate various activities of responsible members of family, community, tribe, state and nation
- Apply participation and decision-making skills
- Compare the frameworks of diverse governments
- Examine the workings of the justice system
- Practice looking at issues from different points of view
- Explore the process of fact-finding
- Integrate ILRE concepts with all curricular areas

9-12 Cluster

- Explore the systems and processes that make democratic societies work; e.g., law, justice and economics
- Promote acknowledgement and understanding of the interdependence of diverse cultures
- Develop the skills necessary to become responsible members of family, community, tribe, state, nation, and world
- Foster the recognition of the intrinsic influence of customs, rules and laws on all aspects of daily life
- Integrate ILRE with all disciplines

Section III

- **Assessment in an Indian Law-Related Education Setting**
- **Assessment Procedure**
- **Evaluation Methods**

Section III:
Assessment

✹ Assessment in an ILRE SEtting ✹

Assessment of the students' work, of the effectiveness of each lesson, and of the ILRE curriculum is vital. By assessing student work, teachers can determine whether a lesson needs to be changed in any way, whether more pre-teaching was needed, whether methods used were effective for the class, therefore avoiding an ineffective lesson in the future. Just as a variety of teaching methods and activities is important, so is a variety of assessment tools. The writers of this guide suggest that the teacher consults the assessment section of the *Montana Social Studies Model Curriculum Guide* for a variety of assessment techniques. In addition, there are some necessary components for effective ILRE lessons that must be considered when planning for assessment.

The first component is the existence of well-written objectives which are clear and measurable. Assessment is the measurement of how well those objectives were met.

The second component is the use of Community Resource Persons (CRPs) from the justice system, various levels of governments (including tribal), and related professions. Not only are CRPs important to a successful ILRE program, they are helpful in evaluating and clarifying student responses. This is especially useful to the teacher with little background in the law or government.

The third component is the use of a variety of participatory activities for ILRE lessons. This, of course, requires appropriate performance-based assessment tools.

The fourth component is the inclusion of a debriefing process at the close of an ILRE lesson. This is a means of immediate feedback to the students who can confirm what they learned or learned to do, and to the teacher who can quickly determine the overall effectiveness of (a) the lesson, and (b) the teaching strategies used. In other words, the debrief is a quick, if not complete, version of assessment.

In this section of the guide, the teacher will find four lessons set up in a different format than those in the sample lessons booklet. The four included here are called, "Sample Task and Assess-

ment Procedures," and demonstrate the use of the above components, as well as examples of assessment rubrics.

For even more information on assessment, contact the Office of Public Instruction.

Indians are polarized between tradition and culture on one hand and adaptation to the progress of the dominant culture on the other.
—American Indian Digest: Facts About Today's American Indians, 1995 ed. Thunderbird Enterprises, Phoenix, AZ

✹ Assessment Procedure ✹

✹ PRIMARY CLUSTER - GRADES K-2

Responsibility (ILRE Theme)

ORGANIZING QUESTION(S)

What is the difference between private and communal property?

LEARNING GOAL(S)

Distinguish between private property and communal property in specific social settings.

THEMATIC QUESTIONS/CONTENT

- What is private property? (concept of individual ownership)
- What is communal property? (concept of mutual ownership)
- What is mine; what is yours; what is ours?
- What are cultural rules for borrowing?
- What are cultural rules for lending?
- How do we show respect for all property?

PERFORMANCE TASK

Individual Performance Tasks

1. Each student will bring a personal item from home to share with the class. The student will explain what importance the object holds for him/herself.
2. Each student designs and creates a quilt square that reflects the quilt's designated theme, then explains the meaning of his/her square to the class.

Group Performance Tasks

3. With the assistance of adults, the students will join their own quilt squares to create a communal quilt wall hanging to be displayed at the Native American Day festivities.
4. The class will create and perform a poem or song related to the designated quilt theme.

DEBRIEF OF LESSON

The class discusses the following questions:

- Did each quilt square belong to someone? To whom?
- Who owns the quilt now? Why?
- Can you take the quilt home without permission? Why or why not?

RUBRIC

3—The personal sharing reflects the understanding of the concept of private ownership and clearly states the object's importance.

2—The quilt square design and its explanation relate to the designated theme.

1—Participation in both the creation and the performance of the song/poem is active and appropriate.

✹ INTERMEDIATE CLUSTER - GRADES 3-5

Environment (ILRE Theme)

ORGANIZING QUESTION(S)

How are other people affected by decisions made by individuals?

LEARNING GOAL(S)

Connect cause and effect to the consequences of incidents in a story, and apply them to a real-life situation.

THEMATIC QUESTIONS/CONTENT

- What does "cause and effect" mean?
- What are some of the everyday decisions that individuals make?
- What are some examples of positive and negative consequences students face as a result of their decisions?
- What are some of the long-term decisions that individuals or groups need to consider regarding their environment?
- What are some rules and laws that limit our actions in order to protect the environment?

PERFORMANCE TASK

Individual Performance Tasks

1. Each student will "teach" one environmental law fact to at least three other students.
2. Each student will share with the entire class one fact he/shelearned other than his/her own until all facts are presented.

Group Performance Tasks

3. Based upon the incidents in the story And Still the Turtle Watched (or a similar story) and upon the facts learned in the "Each One Teach One" activity, each group will create a collage which reflects their knowledge and perspectives relative to the environment.

DEBRIEF OF LESSON

4. Using butcher paper attached to the displayed posters, each student writes one example of an environmental fact he found on the poster, repeating the process for each poster. Each student will place his initials beside his comments.

5. The class discusses the following questions:

   - What can young people do to help protect the environment?
   - In what ways do you think the environment is being threatened?
   - In what ways do you think the environment is being protected?

RUBRIC

4—Facts are presented clearly to three students; active listening is demonstrated through appropriate body language and correct oral repetition of facts learned/individual cooperation and contribution significantly enhances the group's progress; the visual and oral components of the collage and the debrief reinforce the audience's understanding of the topic, its ongoing problems and possible solutions.

3—Facts are read verbatim to three students; effort to actively listen is demonstrated by body language and oral repetition of one fact; individual cooperation and contribution somewhat enhances the group's progress; the visual and oral components of the collage and the debrief reinforce to a degree the audience's understanding of the topic, its ongoing problems and possible solutions.

2—Facts are presented in a confusing way; body language and/or incorrect oral repetition of facts indicates lack of active listening; individual cooperation and contribution toward the group's progress is lacking; the visual and oral components of the collage and the debrief confuse the audience's understanding of the topic, its ongoing problems and possible solutions.

1—Facts are presented flippantly or not at all; negative body language and inability to repeat facts orally demonstrate no attempt to actively listen; individual cooperation and contribution detract from the group's progress; the visual and oral components of the collage and the debrief show little relevance to the topic or its ongoing problems, and offer no possible solutions.

✹ MIDDLE SCHOOL CLUSTER - GRADES 6-8

Authority (ILRE Theme)

ORGANIZING QUESTION(S)

What is government and what should it do?

LEARNING GOAL(S)

Demonstrate an understanding of the form and function of tribal governments.

THEMATIC QUESTIONS/CONTENT

- What is tribal government?
- What is the purpose and function of tribal governments?
- How are tribal governments organized?
- How do tribal governments make, apply, and enforce rules and laws for others?
- Where do the people in tribal governments get their authority to make, apply, and enforce rules and laws and to manage disputes about them?

PERFORMANCE TASKS

Individual Performance Tasks

1. Each student will prepare a visual flow chart of tribal government describing the structure, purpose, and function of a specific tribal government.
2. Following the study of tribal governments, the class will visit a tribal council meeting. Each student will participate in a reenactment of a tribal council meeting.

Group Performance Task

3. Working in cooperative groups, students will select and investigate a tribal (concern) problem. Each group will pretend to be members of the tribal council, and will propose a solution to the problem (concern). Students will predict the impact of their proposed solution and present the predicted results of implementation of their solution through an oral presentation and the use of visuals, e.g., graphs, flowmaps, charts, etc. The presentation will be given to the class and/or to a panel of local adults (possibly members of the tribal council).

DEBRIEF OF LESSON

The class will discuss the following questions:

- What were some of the similarities and differences in the tribal governments studied?
- What were some of the things your group considered when deciding on what solution to propose?

RUBRIC

4—The flow chart accurately describes the structure, purpose and function of the tribal government in a visual format; the presentation demonstrates that the problem and proposed solution are well documented, and uses reliable resources; the proposed solution is realistic and demonstrates a clear understanding of the function and power of the tribal council of the specific tribe chosen for study; the visual and oral components of the presentation significantly enhances the audience's understanding of the problem, the proposed solution, and the predicted results.

3—The flow chart describes with reasonable accuracy the structure, purpose and function of the tribal government in a visual format; the presentation demonstrates some documentation of the problem and proposed solution, and uses reliable resources; the proposed solution is realistic and reflects some understanding of the function and power of the tribal council of the specific tribe chosen for study; and visual and oral components of the presentation somewhat enhance the audience's understanding of the problem, the proposed solution, and the predicted results.

2—The flow chart describes in confusing visual format and with a few errors the structure, purpose and function of the tribal government; the presentation demonstrates little documentation of the problem and proposed solution, and reliability of resources used is questionable; the proposed solution is unrealistic and/or reflected little understanding of the function and power of the tribal council of the specific tribe chosen for the study; the visual and oral components of the presentation tend to confuse the audience's understanding of the problem, the proposed solution, and the predicted results.

1—The flow chart inaccurately and in confusing visual format attempts to describe the structure, purpose and function of the tribal government; the presentation is unsupported by documentation of the problem and proposed solution, or by reliable resources; the proposed solution is unrealistic, reflects little understanding of the function and power of the tribal council, and is not relevant to the specific tribe chosen for study; the visual and oral components of the presentation confuse the audience's understanding of the problem, the proposed solution, and the predicted results.

✹ HIGH SCHOOL CLUSTER - GRADES 9-12

Spirituality (ILRE Theme)

ORGANIZING QUESTION(S)

- What protections are guaranteed in the American Indian Freedom of Religion Act (A.I.F.R.A.)?
- What rights are guaranteed to all people under the freedom of religion clause of the First Amendment to the Bill of Rights?

LEARNING GOAL(S)

Demonstrate an understanding of the reasons why American Indians have been granted certain religious rights that go beyond the limitations imposed by the First Amendment to the Bill of Rights.

THEMATIC QUESTIONS/CONTENT

- In what settings are American Indians allowed to practice their religion?
- What is the difference between the establishment clause and the free exercise clause?
- What provisions were granted in the American Indian Freedom of Religion Act that specifically addresses traditional religions of the American Indians?
- What impact does the decision in the case Lee v. Weisman have on students in Montana?

PERFORMANCE TASK

Individual Performance Tasks

1. Each student will create and draw a symbol and explain its meaning to the class.
2. Each student will identify and explain in writing the symbolism depicted in the movie, Walking in a Sacred Manner.

Group Performance Tasks

3. Small groups will determine the connection between Lee v. Weisman, A.I.F.R.A., and the movie, then orally report their findings to the class.
4. The class will collectively label the individually created symbols by categories such as "animals, environment and religion."

5. The class will discuss the use of the symbols in relation to the provisions of A.I.F.R.A. and the First Amendment.

DEBRIEF OF LESSON

1. What are some symbols used in non-Indian religions? What restrictions are placed on their use? Why?

2. Why are Indian religions allowed much more latitude?

3. What did you learn that you didn't already know?

RUBRIC

4—The explanation of the created symbol is clear and logical; the written interpretation of symbolism from the film demonstrates mastery of critical observation skills and a basic understanding of the symbols' meanings; the presentation illustrates a clear comprehension of the impact of the cited laws on the practices of Indian and non-Indian religions; participation in the discussion reveals an accurate working knowledge of the connections between the annotated symbols and film symbols and their relation to A.I.F.R.A. and the First Amendment.

3—The explanation of the created symbol is reasonably clear and logical; the written interpretation of symbolism from the film demonstrates some mastery of critical observation skills and a basic understanding of the symbols' meanings; the presentation illustrates a comprehension of some of the impact of the cited laws on the practices of Indian and non-Indian religions; participation in the discussion reveals a basic working knowledge of the connections between the annotated symbols and film symbols and their relation to A.I.F.R.A. and the First Amendment.

2—The explanation of the created symbol is reasonably clear, but lacks logic; the written interpretation of symbolism from the film shows little mastery of critical observation skills or a lack of basic understanding of the symbols' meanings; the presentation illustrates little comprehension of the impact of the cited laws on the practices of Indian and non-Indian religions; participation in the discussion is minimal and shows little knowledge of the connections between the annotated symbols and film symbols and their relation to A.I.F.R.A. and the First Amendment.

1—The explanation of the created symbol is unclear and lacks logic; the written interpretation of symbolism from the film shows a lack of mastery of critical observation skills and a lack of basic understanding of the symbols' meanings; the presentation demonstrates no comprehension of the impact of the cited laws on the practices of Indian and non-Indian religions; participation in the discussion is nonexistent.

✹ Evaluation Methods ✹

From: Community Storytelling, Northwest Indian Education Technical Assistance Center, Gonzaga University, School of Education, Spokane, WA 99258-0001.

The two methods of evaluation recommended for use in Indian Education programs are *naturalistic evaluation* and *authentic assessment.*

✹ Naturalistic Evaluation

In Guba and Lincoln's book, *Effective Evaluation* (1981, pg. 153), they site three main kinds of measures in collecting data through naturalistic evaluation. These measures are: (a) interviewing, (b) observations, and (c) non-verbal communications.

> "Of all the means of exchanging information or gathering data known to man, perhaps the oldest and most respected is the conversation. Simple or complex, face-to-face exchanges between human beings have served for eons to convey messages, express sympathy, declare wars, make truces, and preserve history. As an extension of that heritage, interviewing—the "conversation with a purpose" (Dexter, 1970, pg. 136)—is perhaps the oldest and certainly one of the most respected of the tools that the inquirer can use." (Guba and Lincoln, 1981).

These approaches resonate with traditional and contemporary tribal values. According to Guba and Lincoln, interviews may take many forms. Interviews may range between loose and unstructured to a highly structured format such as a questionnaire. The interviewer tries to enter the subjective world of interviewee. Guba and Lincoln refer to Gatz and Hoagland's (1978) explorations of questions in unstructured interviewing.

1. Is this question necessary? How will the response be used? Analyzed?

2. Does this question cover the topic? Are other additional questions necessary?

3. How will this question be interpreted? Does the interviewer need other facts concerning the matter before the answer will make sense? Does the interviewer need or want knowledge of the respondent's attitude (preferences, values, beliefs) on the matter? If so, ought one to probe the content, intensity, stability, or depth of those attitudes, values, feelings? What dimensions would be valuable to have?

4. Do the respondents have the information to answer the question? Has the interviewer allowed for differences? How reliable would the interviewer expect the responses to be?

5. How valid overall does the interviewer expect the answer to be? Is the question leading? Is it framed in value-neutral terms? Is it part of a response set? Is the response likely to be adequate? Will the respondent be willing to give the information? Under what circumstances?

What assumptions are implicit in the question? What is taken for granted by the interviewer? What are possible frames of reference for the questions?

Characteristics and skills of the interviewer are important considerations in providing an effective evaluation. Interviewing skills stressed by Dexter (1970) as reported by Guba and Lincoln (pg. 142, 1981) are:

1. stressing the interviewer's definition of the situation,
2. encouraging the interviewee to structure the account of the situation,
3. letting the interviewee introduce to a considerable extent (an extent which will of course vary from project to project and interviewer to interviewer) his notions of what he regards as relevant, instead of relying upon the investigator's notions of relevance [p. 5].

Tymitz and Wolf (1977) list the necessary traits of an interviewer as:

- People should not be placed as interviewers in situations where they will encounter pet peeves.
- People who are unafraid to enter into new situations but who can also be unobtrusive make good natural inquirers.
- Good listeners make good observers, as do people with a wide range of interests.
- People who are relatively unfamiliar or value free with respect to situations make good participant/observers because they don't feel compelled to interpret. Pack people with the most potential to "go in clean" whenever you can.
- Curious, inquisitive people are good candidates for natural inquire [pp. 12-13].

✹ Authentic Assessment

Authentic assessment is a method of evaluation designed to *reflect real-life situations* and *challenge a student's ability to demonstrate what he or she has learned* (Alaska Native Education and Technical Assistance Center, 1992). There are three assessment strategies described at length as Appendix A. These strategies are: performance and projects, portfolios, and final exhibition.

Section IV

- **Components for Effective Law-Related Education Lessons**
- **Community Resource Persons (CRPs): Guidelines for Using Them Effectively**
- **Suggestions for Handling Controversy for Teachers and Resource People**
- **Adversary Approach**
- **Teacher Reminders of How to Relate to the Indian Child**
- **Examples of Legal Issues Governing American Indian Tribes**
- **Tribes or Bands Identified as Beneficiary or Wards**
- **Our Elders From a Native American Perspective**
- **American Indian Folklore**
- **Treaty of Fort Laramie Summary**
- **The Fort Laramie Treaty of 1868**
- **Treaty of Hellgate**

Section IV:
Appendices

✹ Components for Effective LRE Lessons ✹

✹ Background Information

What do the students already know? What else do they need to know before proceeding?

✹ Objectives

What do you want the students to know and to be able to do at the end of the lesson? Lesson objectives should be clear, realistic, achievable and measurable.

✹ Participatory Activities

Becoming a responsible citizen requires learning and practicing many skills. An effective LRE lesson provides opportunity to participate in activities such as debate, role-playing, mock hearings and trials, election process, individual and group decision-making, and other forms of critical thinking and civic involvement.

✹ Balanced Use of Case Materials

Rules and laws are developed when ideas and/or actions are in conflict. Therefore, dealing with controversy is an essential part of LRE programs. Issues should be addressed from more than one viewpoint supported by appropriate case materials.

I am sitting outside my hogan. I am thinking, looking at the red rocks, the ridges, the sheep, the plants, and all in my world. I am thinking what it will be like in the future.
—Thomas Littleben, Rock Point School

✹ Community Resource Persons

The use of a Community Resource Person (CRP) whenever possible increases the effectiveness and validity of the LRE lesson. The CRP is present not to replace the teacher, but to lend expertise to the lesson. Rather than delivering a lecture, the CRP is most beneficial when working directly with the students, and when given adequate direction and preparation. (See "Community Resource Persons: Guidelines for Using Them Effectively.")

✹ Debrief

Were all the lesson objectives met? The debrief is usually done in the form of a question/answer session to determine what the students learned and to provide immediate feedback to individual students on their own knowledge and skills. The debrief is also useful to the teacher to indicate what needs to be added, changed, or deleted from the lesson for future use, and what follow-up is needed.

✹ Indian LRE

Lessons in American Indian Law-Related Education will be most effective if, in addition to the components described above, there is a clear focus on tribal laws and/or cultural mores. Teachers are also encouraged to be aware and considerate of possible cultural differences that may complement and/or conflict with certain activities or classroom expectations. (See "How to Relate to the Indian Child in the Classroom," "Native American Cultural Differences," and samples of ILRE lessons.)

NOTE: For more information about effective LRE lessons, see "Defining Law-Related Education."

✹ Community Resource Persons (CRPs): Guidelines for Using Them Effectively ✹

Research has shown that the appropriate use of community resource persons contributes strongly to the effectiveness of Law-Related Education programs. Not only do CRPs bring content knowledge to the lesson, but they also serve as positive adult role models in non-threatening situations. Their interaction with students can help to encourage positive behaviors and favorable attitudes toward the law.

The teacher's first concern should be careful selection of a CRP. The resource person chosen should be knowledgeable about the content being taught, willing to take suggestions about working with students and, hopefully, have a positive attitude about youth.

Because most CRPs are not trained teachers, they need information to make their participation more successful. The resource person needs to be clear in advance about what procedures and results the teacher plans. In many cases, the CRP would prefer to be involved in the planning process. The following guidelines and procedures should help to ensure the CRP's success.

Well before the visit, the CRP should know:

- What is the topic and what strategies do you plan to use? Be specific about what the CRP will do: Judge a mock trial, coach participants in a role play, lead a discussion, etc. Consider the necessity of designing the activities to involve all students, including any who may typically be less enthusiastic.

- What is the class like? Include such details as number of students, age and grade level, cultural background as it affects learning, level of knowledge about the topic.

- What are the practical arrangements? Specify room size and configuration, equipment available, amount of time available, presence of students with special physical or learning style needs.

- How does this lesson fit in your curriculum? Consider how it follows previous lessons and sets up future lessons, its goals and objectives, and what focus you want the CRP to take. It is important to emphasize the need to maintain a balanced presentation, especially when dealing with controversial issues. If your CRP insists on presenting a one-sided viewpoint, you may need to invite a second CRP to present the opposite side.

- What happens at the close of the lesson? Will you or the CRP handle the debrief and what techniques will you use? The CRP may also be helpful during evaluation procedures and in setting up extension activities.

Prior to the CRP's visit, the teacher should prepare the students to positively participate in the lesson by having them create questions to ask, learn something about the CRP's background, or practice a procedure (hearing, debate, etc.). Be sure the students know how they will be evaluated.

✹ Suggestions for Handling Controversy for Teachers and Resource People ✹

1. Develop classroom rules for handling controversy (share them with the resource person).
2. Make the nature of the disagreement clear. Identify the issue, clarifying areas of agreement and disagreement. Name the underlying assumptions. Avoid slogans. Insist that students be concrete.
3. Make sure that students argue ideas, not personalities.

   Students should attempt to understand other perspectives.

   Students should admit doubts and weaknesses in their position.

   They should concentrate on evidence, not speculation.
4. Good opinions are supported by facts, logically argued, and articulated with clearly defined terms.
5. Remember, the suggestions above should also apply to the adults involved.

✹ Adversary: A Simplified Classroom Trial Technique

Advantages

1. By using *adversary* the students can be introduced into trial proceedings without much of the complexity of doing a mock trial.
2. It saves much time. Generally, adversary can be done very easily within one classroom period.
3. There are no minor roles. Each student critically involved as a major character.
4. Since the students are working in triads, shy or reluctant people are not forced to role play or act in front of others.
5. This can be an ideal method of developing a full mock trial. Simply add the roles as you wish. For example, on day two, each side may have a witness or have a jury involved, etc.

Instructions

1. The activity can be done with any size class.
2. Arbitrarily divide the class into groups of three. If anyone is left over, have them act as observer.
3. Have each participant in each group decide upon a role, such as judge, plaintiff or defendant. They will rotate roles for three rounds.
4. Using the role descriptions below, read the brief statements about each role.
5. Select a case and distribute FACTS of the case to all of the groups. Do not disclose the ISSUE or the DECISION at this time. To extend this activity, simply bring in more cases.*
6. Have the participants role-play within their individual groups. The plaintiff speaks first, then the defendant. The judge may ask questions before he makes his decision and gives his reasons.
7. Have judges explain decisions to the whole class.
8. It is likely that there will be more than one decision per case. Point out that, as in a real courtroom, there are many variables that enter into a decision; e.g., the judge, the testimony, how well the case was presented, etc.
9. Read ISSUE and DECISION to class, if appropriate.

10. Rotate the roles and repeat the process twice with a new case each time.

11. The following questions are suggested for debriefing the activity.

    a. Which is the most difficult role to play? Why?

    b. How well (realistically) did the participants play their roles?

    c. What were the issues in this case?

    d. Were the judge's decisions "fair"?

    **See lesson plans for more ideas.*

Role Descriptions

Judge: The judge must see that both dies have a fair change to present their cases. The judge should not interrupt or dominate the proceedings.

Plaintiff: This person has accused the defendant of doing or not doing something which he thinks is unfair. He is the one who has asked the court to hear the case. In a small claims court the plaintiff is asking the judge to make the defendant pay him an amount of money (under $500). He speaks to the judge first.

Defendant: This person has been accused by the plaintiff. He has been summoned into court and is probably appearing against his will. He listens to the accusation and then either tries to prove it untrue or gives reasons to justify his actions.

Adapted from: Law in America Society Journal of the National Center for Law Education. Volume Two. Number Two. Nov. 1973. "Pro Se Court: A Simulation Game," Arlene Gallagher and Elliott Harstein, pp. 26-30.

Teacher Reminders Of How To Relate To The Indian Child

Although a number of these techniques relate specifically to American Indian children, many of the techniques addressed apply to effective teaching techniques that should be encouraged for all teaching.

1. Do not expect eye-contact when talking to an Indian child. Lowered eyes and head show respect.

2. The Indian child may not talk freely about himself before you first talk about yourself.

3. An Indian child may not be quick to respond individually. At first, he will perform best in groups. Individual response is often gradual.

4. Indian children at home learn much by observation and are not always allowed to ask questions. Therefore, an Indian student may not ask questions, if he is not urged.

5. Non-Indians should make the first move toward cooperation with the Indians. There will be very little communication with Indian children unless the teacher has the trust of the student.

6. Customarily Indian students have not been asked to express their opinions. They should be encouraged to contribute their thinking.

7. Idioms or expressions could be misunderstood or have no meaning to the child, such as "take your seat." The student may think you mean he should pick up his chair. Remember the child's first language may not be English and all terms are not easily translatable.

Words Are Arrows
Words are arrows
and can pierce you hard.
Anger drips
from the
wounds
of
words
used like
arrows.
And pain
is remembered
in the
scars.
—White Deer of Autumn.
The Native American Book of Change

8. Expect a gentle handshake as a sign of respect.

9. Expect a gentle subdued tone of voice.

10. Expect clock time to be more important to a non-Indian.

11. Avoid ethnocentric questions like, “What do Indians think about?”

12. Moral value differences—modesty maybe misunderstood as reluctance or shyness by the general society.

13. Respect must be mutual and understood.

14. Prejudicial attitudes may be the underlying problems that may not surface immediately yet may be the root of the problem. (This may not be easily recognized.)

15. Watch what you say. Sometimes remarks are made jokingly or unintentionally that affect a child personally. Avoid stereotypes about American Indians.

16. Lack of self-esteem or lack of self-identity. Finding a place to fit in and being accepted may result in problems for the child.

17. Be familiar with the child’s culture. Attend American Indian cultural events and make yourself visible within the Indian community.

18. There is a need to know that the cultural values of American Indian children may not be the same values of the general society.

19. Praise and scold privately, rather than in front of one's peer group.

20. Criticize constructively, never destructively. Accent the positive.

21. Smile—be friendly but not aggressive. Respect the child’s right to privacy.

22. Do not stand too close, talk loudly, nor too fast.

23. Listen closely, avoid intrusive questions.

24. The use of humor is important.

25. Do not use highly technical terms and jargon.

26. Active listening and time for thinking may result in a delayed response.

27. Demanding does not result in cooperation from a child.

28. Establish and maintain a warm climate where each child is recognized by himself and others as a worthy individual. Children recognize rejection when regarded as unworthy or hopeless. Each child has intrinsic worth. Each is unique.

NATIVE AMERICAN CULTURAL DIFFERENCES

	Native American	Euro-American
Time	Unscheduled deliberation	Scheduled speed
	Seasons	Dates
	Present/past	Present/future
	Cyclic	Linear
Space	Personal	Personal
	Communal	Private
Possessions	Accumulation	Accumulation
	To survive	To possess
	To share	For status
Family Unit	Extended	Nuclear
	Inter-generational	Separated by age
Achievement	Through cooperation	Through competition
	Honored by giving	Honored through receiving
Religion	Inclusive	Exclusive
	Inter-related	Separatist
	Individualized	Institutionalized
Social Status	Family Name	Economic Status
	Tribal affiliation	Occupation
Learning Style	Oral	Audio
	Conceptual	To record/recite
	Visual	Visual
	Perceptual	Literate
	Experiential	Scientific
	Learn by experience	Methodical

(1)(2) This information was adapted from: Native American Family Empowerment Cultural Sensitivity Training For Professional Educational and Social Service Providers. This project was funded by a grant from the United States Department of Agriculture through the Cooperative Extension Service and Montana State University.

If a man loses anything and goes back and looks carefully for it, he will find it . . . I feel that my country has gotten a bad name, and I want it to have a good one; and I sit sometimes and wonder who has given it a bad name.
—Sitting Bull

Court Decisions

Constitution Art. 1 Sec. 8 (Commerce Clause)—define the sovereign status of Indian tribes.

Marbury v. Madison—established the right of the Supreme Court to interpret law.

Johnson v. McIntosh 1823—discovery doctrine; the Indians retain the right of occupancy on lands discovered by Europeans/United States. The 'discovery' nation must still negotiate treaties with the Indians for land acquisition.

Cherokee v. Georgia 1831—Tribes are **domestic dependent** nations subject to U.S. Congress but not state law, but as such retain their right of tribal sovereignty. The dominant state must protect the right of the tribe to govern themselves.

Tulle v. Washington 1942—Cannons of Treaty Construction.

When the Supreme Court makes a court ruling regarding Indian treaties the following principles must apply:

1. Ambiguous language in treaties will be decided in Indian's favor.
2. Treaties are to be interpreted as Indians would have understood.
3. Treaties will be liberally construed in favor of the Indians.
4. Treaties keep for Indians all rights that have not been granted away.

Oliphant v. Suquamish Indian Tribe 1978—limits tribal jurisdiction over non-Indians to misdemeanors in criminal cases, unless expressly granted by Congress.

Congressional Law

Northwest Ordinance 1789—Indian lands shall never be taken away without Indian consent unless in justified and lawful wars authorized by Congress.

BIA established 1924—The BIA was created to carry out the trust responsibility of the federal government. However, this agency has become a vehicle to assimilate the Indian people.

Indian Removal Act 1830— Moves eastern Indian tribes west of Mississippi River.

Cheyenne (Tongue Indian River) 1884—Creates the Cheyenne Indian Reservation.

Fort Belknap 1888—Creates the reservation for the Gros Ventre and Assiniboine.

Rocky Boy 1916—Creates the reservation for the Chippewa and Cree people.

Metis—Decedents of The Little Shell Band of Chippewa who are without a land base. The leadership of this group continues its efforts to gain federal recognition as a tribe. (1993)

Major Crimes Act 1885—This act gave the federal government original jurisdiction over 14 major criminal offenses.

General Allotment Act 1887 (Dawes Act)—Reservation land divided into individual allotments. Excess lands not needed to provide Indian allotments was disposed for the purpose of non-Indian settlement.

Congressional Acts and Presidential Orders that reduced the size of reservations 1887 - 1934.

Enabling Act 1888—Western territories granted the right to apply for statehood with a written constitution that recognizes Indian land rights.

Indian Citizenship Act 1924—All Indians not recognized as citizens under the Allotment Act were granted citizenship.

Indian Reorganization Act 1934 (Wheeler-Howard)—The Act provides for Indian self-government, resource conservation and development.

Johnson - O'Malley Act 1936—Granted contracting authority with the states to the Secretary of the Interior for education, health, and social welfare.

Title 18, 1948 **"Indian Country"**—the land within the exterior boundaries of the reservations regardless of ownership status. Also included are Indian communities not within the boundaries of a reservation and all allotments with Indian title.

Public Law 280, 1953—Conveys to certain states the right to maintain law and order on designated Indian reservations.

Termination Laws -1953—Laws that ended the trust relationship with nearly a hundred tribes and poses a threat to all existing tribes.

I have heard talk and talk . . . Good words do not last long unless they amount to something.
—Chief Joseph

Indian Civil Rights Act 1968—assuring certain rights against infringement, which are similar to those contained in the Bill of Rights.

Indian Self-Determination/Educational Assistance Act 1975—This act allows the tribe to administer federally funded programs.

Indian Child Welfare Act 1978—Gives superior jurisdiction to tribal courts in matters of adoption or foster care placement in cases involving children of Indian descent.

✹ Montana Treaties

"Reserved Right Doctrine"—while making treaties, tribes keep for themselves all rights not expressly granted to the federal government.

Fort Laramie Treaty 1851—Treaty that designated tribal reserves for all tribes in Montana except the Blackfeet, Salish, and Kootenai.

Hell Gate Treaty 1855—Treaty that designated tribal reserves for Salish and Kootenai tribes.

Blackfeet Treaty 1855—Treaty that designated tribal reserves for Blackfeet tribe.

Crow Treaty 1868—Treaty that designated tribal reserves for Crow Tribe.

Treaty Period end 1871—Further negotiation with tribes by federal

✹ U.S. Constitution

The utmost good faith shall always be observed toward the Indians; their land and property shall never be taken from them without their consent; and in their property, rights and liberty, they shall never be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded on justice and humanity shall from time to time be made, for preventing wrongs done to them, and for preserving peace and friendship with them.
—United States Congress Northwest Ordinance, 1787

TRIBES OR BANDS IDENTIFIED AS BENEFICIARY OR WARDS

American Indians have been identified as "wards" of the federal government. This trustee relationship between the federal government and tribes/bands actually stems from the constitution of the United States in which Congress is the trustee. This is a result of the constitutional powers of Congress to ratify treaties and regulate commerce with Indian tribes/bands. Federal executive agencies have been delegated these trust responsibilities primarily under the Interior Department. The term ward and trustee was language used by the court system in 1832 under Chief Justice John Marshal, who formally identified the trustee relationship between the federal government and Indian tribes/bands. It is the responsibility of the federal government (Congress) to uphold the treaty provisions of Indian tribes/bands. Tribal lands are held in trust which means that these lands are free from state taxes. Indian tribes/bands are protected by the Bureau of Indian Affairs and they are entitled to the right of occupancy on lands established as reservations.

Today, the Indian tribes/bands do not consider themselves as "wards," rather they recognize themselves as a beneficiary of the services and protections that are provided to them under the trustee relationship that exists under the treaty rights negotiated between Congress and Indian tribes/bands. Also, trust relationship is recogonized under executive agreements, legislation, and court decisions. In 1934, Congress passed the Indian Reorganization Act. Some tribes adopted this federal policy. This act allowed tribes to establish their own tribal constitutions, to organize their own tribal governments, and to charter corporations. Tribes have the same right to compete for federal funding for government services as states, counties, and local governments. The tribes/bands have taken upon themselves to manage these federal funds in order to provide government services for their people, whether they are enrolled members of a tribe/band or live off the reservation.

Tribes/bands who have corporate charters are able to manage and establish business enterprises. They can also manage their tribal lands and natural resources for economic development. These tribal assets, such as the land, natural resources, and business enterprises on reservations, have indirectly benefited individual enrolled tribal members. They receive tribal dividends or per capita payments as share holders of their respected tribal corporations because they are enrolled members of a federally recognized tribe.

Indians are the only race of people who must legally prove that they are Indian.

OUR ELDERS FROM A NATIVE AMERICAN PERSPECTIVE

In American Indian culture, elders are the people who are recognized as individuals knowledgeable in many aspects of American Indian culture, history, folklore, American Indian language, values, and spirituality. These individuals pass on the knowledge of tribal traditions. Elders, who are our teachers, are to be respected and valued as the caretakers and care providers of our American Indian way of life.

American Indians place no chronological age restriction when defining an elder. Rather, an elder is an individual who is knowledgeable in American Indian customs and traditions. This is realized by experience and through interactions with ones' family and tribal community. Our elders are held in high esteem. They are respected and appreciated for their wisdom and advice.

The White Buffalo Woman then turned to the children, because they have an understanding beyond their years and, among Indians, the right to be treated with respect which is shown to grownups. She told the little children what the grown men and women did was for them. That the children were the greatest possession of the nation, that they represented the coming generations, the life of the people, the circle without end. "Remember this and grow up, and then teach your children," she told them.
—Lame Deer and Erodes, 1967

AMERICAN INDIAN FOLKLORE

The folklore of tribes throughout North America is used by tribesmen as a means to preserve and maintain their tribal heritage. Storytellers utilize this oral tradition as a method of passing on their culture, history, and geography. These stories further instruct youth in survival skills, prepare youth to be contributing adults, and instill the values and morals of the tribes. In the telling of tribal folklore, it is important that a person understand many tribes have serious taboos against the telling of specific stories during certain seasons. Historically, many of the tribal stories were told in the winter months when there was less tribal activity. It was during this time of less activity that children and adults could have greater concentration and attention focused on the folklore presented to them by the tribal storyteller. Modern tribes still observe the traditional seasonal storytelling taboos.

✹ Treaty of Fort Laramie Summary ✹

September 17, 1851

As emigrants crossed the plains in large numbers, diplomatic as well as military measures were undertaken to preserve peace with the Indians. A treaty established formal relations with the northern plains tribes at Fort Laramie in 1851 and sought to gain security for the overland travelers. The treaty set boundaries for the various tribes, authorized the United States to build roads and military posts, and provided restitution for damages to white travelers. A similar treaty was signed with the southern plains tribes at Fort Atkinson in July 1853.

An inherent stipulation in these treaty negotiations was the trust responsibility of the United States government to provide for the health, education and welfafe of the Indian people.

Treaty of Fort Laramie

April 1868

A treaty with the Sioux and their allies was drawn up by the Indian Peace Commission at Fort Laramie in 1868. It recognized hunting rights of the Indians in the Powder River area, closed the Bozeman Trail and withdrew the military posts built to protect it, and established a Sioux reservation west of the Missouri in what became the state of South Dakota.

United States v. Sioux Nation of Indians

June 30, 1980

In the Treaty of Fort Laramie (1868) the United States guaranteed a large reservation to the Sioux and declared that no further cessions would be valid without the consent of three-fourths of the adult males. But in 1877, the land of the Black Hills was confiscated by the United States. For many years the Sioux sought court action to rectify that action. The Court of Claims finally decided that the 1877 law constituted an illegal taking of the land and that the Indians were due compensation with interest, for a total of more than $100 million. The Supreme Court upheld that decision, thus weakening or discrediting the presumption of congressional good faith asserted in Lone Wolf v. Hitchcock (1903).

THE FORT LARAMIE TREATY OF 1868

Treaty with the Sioux - Brulé, Oglala, Miniconjou, Yanktonai, Hunkpapa, Blackfeet, Cuthead, Two Kettle, sans Arcs, and Santee - and Arapaho, 1868.

ARTICLE 1.

From this day forward all war between the parties to this agreement shall forever cease. The Government of the United States desires peace, and its honor is hereby pledged to keep it. The Indians desire peace, and they now pledge their honor to maintain it.

If bad men among the whites, or among other people subject to the authority of the United States, shall commit any wrong upon the person or property of the Indians, the United States will, upon proof made to the agent and forwarded to the Commissioner of Indian Affairs at Washington City, proceed at once to cause the offender to be arrested and punished according to the laws of the United States, and also reimburse the injured person for the loss sustained.

If bad men among the Indians shall commit wrong or depredation upon the person or property of any one, white, black, or Indian, subject to the authority of the United States, and at peace therewith, the Indians herein named solemnly agree that they will, upon proof made to their agent and notice by him, deliver up the wrong-doer to the United States, to be tried and punished according to its laws; and in case they willfully refuse so to do, the person injured shall be reimbursed for his loss from the annuities or other moneys due or to become due to them under this or other treaties made with the United States. And the President, on advising with the Commissioner of Indian Affairs, shall prescribe such rules and regulations for ascertaining damages under the provisions of this article as in his judgment may be proper. But no one sustaining loss while violating the provision of this treaty or the laws of the United States shall be reimbursed therefore.

ARTICLE 2.

The United States agrees that the following district of country, to wit, viz: commencing on the east bank of the Missouri river where the forty-sixth parallel of north latitude crosses the same, thence along low-water mark down said east bank to a point opposite where the northern line of the State of Nebraska strikes the river, thence west across said river, and along the northern line of Nebraska to the one hundred and fourth degree of longitude west from Greenwich, thence north on said meridian to a point where the forty-sixth parallel of north latitude intercepts the same, thence due east along said parallel to the place of beginning; and in addition thereto, all existing reservations on the east bank of said river shall be, and the same is, set apart for the absolute and undisturbed use and occupation of the Indians herein named, and for such other friendly tribes of individual Indians as from time to time they may be willing, with the consent of the United States, to admit amongstthem; and the United States now solemnly agrees that no persons except those herein designated and authorized so to do, and except such officers, agents, and employees of the government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory described in this article, or

in such territory as may be added to this reservation for the use of said Indians, and henceforth they will and do hereby relinquish all claims or right in and to any portion of the United States or Territories, except such as is embraced within the limits aforesaid, and except as hereinafter provided.

✹ ARTICLE 3.

If it should appear from actual survey or other satisfactory examination of said tract of land that it contains less than one hundred and sixty acres of tillable land for each person who, at the time, may be authorized to reside on it under the provisions of this treaty, and a very considerable number of such persons shall be disposed to commence cultivating the soil as farmers, the United States agrees to set apart, for the use of said Indians, as herein provided, such additional quantity of arable land, adjoining to said reservation, or as near to the same as it can be obtained, as may be required to provide the necessary amount.

✹ ARTICLE 4.

The United States agrees, at its own proper expense, to construct at some place on the Missouri River, near the center of said reservation, where timber and water may be convenient, the following buildings, to wit: a warehouse, a storeroom for the use of the agent in storing goods belonging to the Indians, to cost not less than twenty-five hundred dollars; an agency-building for the residence of the agent, to cost not exceeding three thousand dollars; a residence for the physician, to cost not more than three thousand dollars; and five other buildings, for a carpenter, farmer, blacksmith, miller, and engineer, each to cost not exceeding two thousand dollars; also a schoolhouse or mission-building, so soon as a sufficient number of children can be induced by the agent to attend school, which shall not cost exceeding five thousand dollars.

The United States agrees further to cause to be erected on said reservation, near the other buildings herein authorized, a good steam circular-saw mill, with a grist-mill and shingle-machine attached to the same, to cost not exceeding eight thousand dollars.

✹ ARTICLE 5.

The United States agrees that the agent for said Indians shall in the future make his home at the agency-building; that he shall reside among them, and keep an office open at all times for the purpose of prompt and diligent inquiry into such matters of complaint by and against the Indians as may be presented for investigation under the provisions of their treaty stipulations, as also for the faithful discharge of other duties enjoined on him by law. In all cases of depredation on person or property he shall cause the evidence to be taken in writing and forwarded, together with his findings, to the Commissioner of Indian Affairs,whose decision, subject to the revision of the Secretary of the Interior, shall be binding on the parties to this treaty.

✹ ARTICLE 6.

If any individual belonging to said tribes of Indians, or legally incorporated with them, being the head of a family, shall desire to commence farming, he shall have the privilege to select, in the

presence and with the assistance of the agent then in charge, a tract of land within said reservation, not exceeding three hundred and twenty acres in extent, which tract, when so selected, certified, and recorded in the "land-book," as herein directed, shall cease to be held in common, but the same may be occupied and held in the exclusive possession of the person selecting it, and of his family, so long as he or they may continue to cultivate it.

Any person over eighteen years of age, not being the head of a family, may in like manner select and cause to be certified to him or her, for purposes of cultivation, a quantity of land not exceeding eighty acres in extent, and thereupon be entitled to the exclusive possession of the same as above directed.

For each tract of land so selected a certificate, containing a description thereof and the name of the person selecting it, with a certificate endorsed thereon that the same has been recorded, shall be delivered to the party entitled to it, by the agent, after the same shall have been recorded by him in a book to be kept in his office, subject to inspection, which said book shall be known as the "Sioux Land-Book."

The President may, at any time, order a survey of the reservation, and, when so surveyed, Congress shall provide for protecting the rights of said settlers in their improvements, and may fit the character of the title held by each. The United States may pass such laws on the subject of alienation and descent of property between the Indians and their descendants as may be thought proper. And it is further stipulated that any male Indians, over eighteen years of age, of any band or tribe that is or shall hereafter become a party to this treaty, who now is or who shall hereafter become a resident or occupant of any reservation or Territory not included in the tract of country designated and described in this treaty for the permanent home of the Indians, which is not mineral land, nor reserved by the United States for special purposes other than Indian occupation, and who shall have made improvements thereon of the value of two hundred dollars or more, and continuously occupied the same as a homestead for the term of three years, shall be entitled to receive from the United States a patent for one hundred and sixty acres of land including his said improvements, the same to be in the form of the legal subdivisions of the surveys of the public lands. Upon application in writing, sustained by the proof of two disinterested witnesses, made to the register of the local land-office when the land sought to be entered is within a land district, and when the tract sought to be entered is not in any land district, then upon said application and proof being made to the Commissioner of the General Land-

Office, and the right of such Indian or Indians to enter such tract or tracts of land shall accrue and be perfect from the date of his first improvements thereon, and shall continue as long as he continues his residence and improvements, and no longer. And any Indian or Indians receiving a patent for land under the foregoing provisions, shall thereby and fromthenceforth become and be a citizen of the United States, and be entitled to all the privileges and immunities of such citizens, and shall, at the same time, retain all his rights to benefits accruing to Indians under this treaty.

✹ ARTICLE 7.

In order to insure the civilization of the Indians entering into this treaty, the necessity of education is admitted, especially of such of them as are or may be settled on said agricultural reservations, and they therefore pledge themselves to compel their children, male and female, between the ages of six and sixteen years, to attend school; and it is hereby made the duty of the agent for said Indians to see that this stipulation is strictly complied with; and the United States agrees that for every thirty children between said ages who can be induced or compelled to attend school, a house shall be provided and a teacher competent to teach the elementary branches of an English education shall be furnished, who will reside among said Indians, and faithfully discharge his or her duties as a teacher. The provisions of this article to continue for not less than twenty years.

✹ ARTICLE 8.

When the head of a family or lodge shall have selected lands and received his certificate as above directed, and the agent shall be satisfied that he intends in good faith to commence cultivating the soil for a living, he shall be entitled to receive seeds and agricultural implements for the first year, not exceeding in value one hundred dollars, and for each succeeding year he shall continue to farm, for a period of three years more, he shall be entitled to receive seeds and implements as aforesaid, not exceeding in value twenty-five dollars.

And it is further stipulated that such persons as commence farming shall receive instruction from the farmer herein provided for, and whenever more than one hundred persons shall enter upon the cultivation of the soil, a second blacksmith shall be provided, with such iron, steel, and other material as may be needed.

✹ ARTICLE 9.

At any time after ten years from the making of this treaty, the United States shall have the privilege of withdrawing the physician, farmer, blacksmith, carpenter, engineer, and miller herein provided for, but in case of such withdrawal, an additional sum thereafter of ten thousand dollars per annum shall be devoted to the education of said Indians, and the Commissioner of Indian Affairs shall, upon careful inquiry into their condition, make such rules and regulations for the expenditure of said sum as will best promote the educational and moral improvement of said tribes.

✹ ARTICLE 10.

In lieu of all sums of money or other annuities provided to be paid to the Indians herein named, under any treaty or treaties heretofore made, the United States agrees to deliver atthe agency-house on the reservation herein named, on or before the first day of August of each year, for thirty years, the following articles, to wit:

For each male person over fourteen years of age, a suit of good substantial woolen clothing, consisting of coat, pantaloons, flannel shirt, hat, and a pair of home-made socks.

For each female over twelve years of age, a flannel skirt, or the goods necessary to make it, a pair of woolen hose, twelve yards of calico, and twelve yards of cotton domestics.

For the boys and girls under the ages named, such flannel and cotton goods as may be needed to make each a suit as aforesaid, together with a pair of woolen hose for each.

And in order that the Commissioner of Indian Affairs may be able to estimate properly for the articles herein named, it shall be the duty of the agent each year to forward to him a full and exact census of the Indians, on which the estimate from year to year can be based.

And in addition to the clothing herein named, the sum of ten dollars for each person entitled to the beneficial effects of this treaty shall be annually appropriated for a period of thirty years, while such persons roam and hunt, and twenty dollars for each person who engages in farming, to be used by the Secretary of the Interior in the purchase of such articles as from time to time the condition and necessities of the Indians may indicate to be proper. And if within the thirty years, at any time, it shall appear that the amount of money needed for clothing under this article can be appropriated to better uses for the Indians named herein, Congress may, by law, change the appropriation to other purposes; but in no event shall the amount of this appropriation be withdrawn or discontinued for the period named. And the President shall annually detail an officer of the Army to be present and attest the delivery of all the goods herein named to the Indians, and he shall inspect and report on the quantity and quality of the goods and the manner of their delivery. And it is hereby expressly stipulated that each Indian over the age of four years, who shall have removed to and settled permanently upon said reservation and complied with the stipulations of this treaty, shall be entitled to receive from the United States, for the period of four years after he shall have settled upon said reservation, one pound of meat and one pound of flour per day, provided the Indians cannot furnish their own subsistence at an earlier date. And it is further stipulated that the United States will furnish and deliver to each lodge of Indians or family of persons legally incorporated with them, who shall remove to the reservation herein described and commence farming, one good American cow, and one good well-broken pair of American oxen within sixty days after such lodge or family shall have so settled upon said reservation.

✹ ARTICLE 11.

In consideration of the advantages and benefits conferred by this treaty, and the many pledges of friendship by the United States, the tribes who are parties to this agreement hereby stipulate that they will relinquish all right to occupy permanently the territory outside their reservation as herein defined, but yet reserve the right to hunt on any lands north of North Platte, and on the Republican Fork of the Smoky Hill River, so long as the buffalomay range thereon in such numbers as to justify the chase. And they, the said Indians, further expressly agree:

1st. That they will withdraw all opposition to the construction of the railroads now being built on the plains.

2d. That they will permit the peaceful construction of any railroad not passing over their reservation as herein defined.

3d. That they will not attack any persons at home, or travelling, nor molest or disturb any wagontrains, coaches, mules, or cattle belonging to the people of the United States, or to persons friendly therewith.

4th. They will never capture, or carry off from the settlements, white women or children.

5th. They will never kill or scalp white men, nor attempt to do them harm.

6th. They withdraw all pretence of opposition to the construction of the railroad now being built along the Platte River and westward to the Pacific Ocean, and they will not in future object to the construction of railroads, wagon-roads, mail-stations, or other works of utility or necessity, which may be ordered or permitted by the laws of the United States. But should such roads or other works be constructed on the lands of their reservation, the Government will pay the tribe whatever amount of damage may be assessed by three disinterested commissioners to be appointed by the President for that purpose, one of said commissioners to be a chief or head-man of the tribe.

7th. They agree to withdraw all opposition to the military posts or roads now established south of the North Platte River, or that may be established, not in violation of treaties heretofore made or hereafter to be made with any of the Indian tribes.

✹ ARTICLE 12.

No treaty for the cession of any portion or part of the reservation herein described which may be held in common shall be of any validity or force as against the said Indians, unless executed and signed by at least three-fourths of all the adult male Indians, occupying or interested in the same; and no cession by the tribe shall be understood or construed in such manner as to deprive, without his consent, any individual member of the tribe of his rights to any tract of land selected by him, as provided in Article 6 of this treaty.

✹ ARTICLE 13.

The United States hereby agrees to furnish annually to the Indians the physician, teachers, carpenter, miller, engineer, farmer, and blacksmiths as herein contemplated, and that such appropriations shall be made from time to time, on the estimates of the Secretary of the Interior, as will be sufficient to employ such persons.

✹ ARTICLE 14.

It is agreed that the sum of five hundred dollars annually, for three years from date, shall be expended in presents to the ten persons of said tribe who in the judgment of the agent may grow the most valuable crops for the respective year.

✹ ARTICLE 15.

The Indians herein named agree that when the agency-house or other buildings shall be constructed on the reservation named, they will regard said reservation their permanent home, and they

will make no permanent settlement elsewhere; but they shall have the right, subject to the conditions and modifications of this treaty, to hunt, as stipulated in Article 11 hereof.

✹ ARTICLE 16.

The United States hereby agrees and stipulates that the country north of the North Platte River and east of the summits of the Big Horn Mountains shall be held and considered to be unceded Indian territory, and also stipulates and agrees that no white person or persons shall be permitted to settle upon or occupy any portion of the same; or without the consent of the Indians first had and obtained, to pass through the same; and it is further agreed by the United States that within ninety days after the conclusion of peace with all the bands of the Sioux Nation, the military posts now established in the territory in this article named shall be abandoned, and that the road leading to them and by them to the settlements in the Territory of Montana shall be closed.

✹ ARTICLE 17.

It is hereby expressly understood and agreed by and between the respective parties to this treaty that the execution of this treaty and its ratification by the United States Senate shall have the effect, and shall be construed as abrogating and annulling all treaties and agreements heretofore entered into between the respective parties hereto, so far as such treaties and agreements obligate the United States to furnish and provide money, clothing, or other articles of property to such Indians and bands of Indians as become parties to this treaty, but no further.

In testimony of all which, we, the said commissioners, and we, the chiefs and headmen of the Brulé band of the Sioux nation, have hereunto set our hands and seals at Fort Laramie, Dakota Territory, this twenty-ninth day of April, in the year one thousand eight hundred and sixty-eight.

Treaty of July 16, 1855, 12 Stat. 975

Ratified March 8, 1859. Proclaimed April 18, 1859.

JAMES BUCHANAN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE

PRESENTS SHALL COME, GREETINGS:

Articles of agreement and convention made and concluded at the treaty ground at Hell Gate, in the Bitter Root Valley, this sixteenth day of July, in the year one thousand eight hundred and fifty-five, by and between Isaac I. Stevens, governor and superintendent of Indian affairs for the Territory of Washington, on the part of the United States, and the undersigned chiefs, headmen, and delegates of the confederated tribes of the Flathead, Kootenay, and Upper Pend d'Oreilles Indians, on behalf of and acting for said confederated tribes, and being duly authorized thereto by them. It being understood and agreed that the said confederated tribes do hereby constitute a nation, under the name of the Flathead Nation, with Victor, the head chief of the Flathead tribe, as the head chief of the said nation, and that the several chiefs, headmen, and delegates, whose names are signed to this treaty, do hereby, in behalf of their respective tribes, recognize Victor as said head chief.

ARTICLE I. The said confederated tribes of Indians hereby cede, relinquish, and convey to the United States all their right, title, and interest in and to the country occupied or claimed by them, bounded and described as follows, to wit:

Commencing on the main ridge of the Rocky Mountains at the forty-ninth (49th) parallel of latitude, thence westwardly on that parallel to the divide between the Flat-bow or Kootenay River and Clarke's Fork; thence southerly and southeasterly along said divide to the one hundred and fifteenth degree of longitude, (115) thence in a southwesterly direction to the divide between the sources of the St. Regis Borgia and the Coeur d'Alene Rivers, thence southeasterly and southerly along the main ridge of the Bitter Root Mountains to the divide between the head-waters of the Koos-koos-kee River and of the southwestern fork of the Bitter Root River, thence easterly along the divide separating the waters of the several tributaries of the Bitter Root River from the waters flowing into theSalmon and Snake Rivers to the main ridge of the Rocky Mountains, and thence northerly along said main ridge to the place of beginning.

ARTICLE II. There is, however, reserved from the lands above ceded, for the use and occupation of the said confederated tribes, and as a general Indian reservation upon which may be placed other friendly tribes and bands of Indians of the Territory of Washington who may agree to

be consolidated with the tribes parties to this treaty, under the common designation of the Flathead Nation, with Victor, head chief of the Flathead tribe, as the head chief of the nation, the tract of land included within the following boundaries, to wit:

Commencing at the source of the main branch of the Jocko River; thence along the divided separating the waters flowing into the Bitter Root River from those flowing into the Jocko to a point on Clarke's Fork between the Camas and Horse Prairies; thence northerly to, and along the divide bounding on the west the Flathead River, to a point due west from the point half way in latitude between the northern and southern extremities of the Flathead Lake; thence on a due east course to the divide whence the Crow, the Prune, the So-ni-el-em and the Jocko Rivers take their rise, and thence southerly along said divide to the place of beginning.

All which tract shall be set apart, and, so far as necessary, surveyed and marked out for the exclusive use and benefit of said confederated tribes as an Indian reservation. Nor shall any white man, excepting those in the employment of the Indian department, be permitted to reside upon the said reservation without permission of the confederated tribes, and the superintendent and agent. And the said confederated tribes agree to remove to and settle upon the same within one year after the ratification of this treaty. In the meantime it shall be lawful for them to reside upon any ground not in the actual claim and occupation of citizens of the United States, and upon any ground claimed or occupied, if with the permission of the owner or claimant.

Guaranteeing however the right to all citizens of the United States to enter upon and occupy as settlers any lands not actually occupied and cultivated by said Indians at this time, and not including in the reservation above named. And provided, That any substantial improvements heretofore made by any Indian, such as fields enclosed and cultivated and houses erected upon the lands hereby ceded, and which he may be compelled to abandon in consequence of this treaty, shall be valued under the direction of the President of the United States, and payment made therefor in money, or improvements of an equal value be made for said Indian upon the reservation; and no Indian will be required to abandon the improvements aforesaid, now occupied by him, until their value in money or improvements of an equal value shall be furnished him as aforesaid.

ARTICLE III. And provided, That if necessary for the public convenience roads may be run through the said reservation; and, on the other hand, the right of way with freeaccess from the same to the nearest public highway is secured to them, as also the right in common with citizens of the United States to travel upon all public highways.

The exclusive right of taking fish in all the streams running through or bordering said reservation is further secured to said Indians; as also the right of taking fish at all usual and accustomed places, in common with citizens of the Territory, and of erecting temporary buildings for curing; together with the privilege of hunting, gathering roots and berries, and pasturing their horses and cattle upon open and unclaimed land.

ARTICLE IV. In consideration of the above cession, the United States agree to pay to the said confederated tribes of Indians, in addition to the goods and provisions distributed to them at the

time of signing this treaty the sum of one hundred and twenty thousand dollars in the following manner--that is to say:

For the first year after the ratification hereof, thirty-six thousand dollars, to be expended under the direction of the President, in providing for their removal to the reservation, breaking up and fencing farms, building houses for them, and for such other objects as he may deem necessary. For the next four years, six thousand dollars each year; for the next five years, five thousand dollars each year; for the next five years, four thousand dollars each year; and for the next five years, three thousand dollars each year.

All which said sums of money shall be applied to the use and benefit of the said Indians, under the direction of the President of the United States, who may from time to time determine, at his discretion, upon what beneficial objects to expend the same for them, and the superintendent of Indian affairs, or other proper officer, shall each year inform the President of the wishes of the Indians in relation thereto.

ARTICLE V. The United States further agree to establish at suitable points within said reservation, within one year after the ratification hereof, an agricultural and industrial school, erecting the necessary buildings, keeping the same in repair, and providing it with furniture, books and stationery, to be located at the agency, and to be free to the children of the said tribes, and to employ a suitable instructor or instructors. To furnish one black-smith shop; to which shall be attached a tin and gun shop; one carpenter's shop; one wagon and ploughmaker's shop; and to keep the same in repair, and furnish with the necessary tools. To employ two farmers, one blacksmith, one tinner, one gunsmith, one carpenter, one wagon and one plough maker, for the instruction of the Indians in trades, and to assist them in the same. To erect one sawmill and one flouring-mill, keeping the same in repair and furnished with the necessary tools and fixtures, and to employ two millers. To erect a hospital, keeping the same in repair, and providing with the necessary medicines and furniture, and to employ a physician; and to erect, keep in repair, and provide the necessary furniture the buildings required for the accommodation of the said employees. The said buildings and establishments to be maintained and kept in repair as aforesaid, and the employees to be kept in service for the period of twenty years.

And in view of the fact that the head chiefs of the said confederated tribes of Indians are expected and will be called upon to perform many services of a public character, occupying much of their time, the United States further agree to pay to each of the Flathead, Kootenay, and Upper Pend d'Oreilles tribes five hundred dollars per year, for the term of twenty years after the ratification hereof, as a salary for such persons as the said confederated tribes may select to be their head chiefs, and to build for them at suitable points on the reservation a comfortable house, and properly furnish the same, and to plough and fence for each of them ten acres of land. The salary to be paid to, and the said houses to be occupied by, such head chiefs so long as they may be elected to that position by their tribes, and no longer.

And all the expenditures and expenses contemplated in this article of this treaty shall be defrayed by the United States, and shall not be deducted from the annuities agreed to be paid to said

tribes. Nor shall the cost of transporting the goods for the annuity payments be a charge upon the annuities, but shall be defrayed by the United States.

ARTICLE VI. The President may from time to time, at his discretion, cause the whole, or said portion of such reservation as he may think proper, to be surveyed into lots, and assign the same to such individuals or families of the said confederated tribes as are willing to avail themselves of the privilege, and will locate on the same as a permanent home, on the same terms and subject to the same regulations as are provided in the sixth article of the treaty with the Omahas, so far as the same may be applicable.

ARTICLE VII. The annuities of the aforesaid confederated tribes of Indians shall not be taken to pay the debts of individuals.

ARTICLE VIII. The aforesaid confederated tribes of Indians acknowledge their dependence upon the Government of the United States, and promise to be friendly with all citizens thereof, and pledge themselves to commit no depredations upon the property of such citizens. And should any one or more of them violate this pledge, and the fact be satisfactorily proved before the agent, the property taken shall be returned, or in default thereof, or is injured or destroyed, compensation may be made by the Govern-ment out of the annuities. Nor will they make war on any other tribe except in self-defense, but will submit all matters of difference between them and other Indians to the Government of the United States, or its agent, for decision, and abide thereby. And if any of the said Indians commit any depredations on any other Indians within the jurisdiction of the United States, the same rule shall prevail as that prescribed in this article, in case of depredations against citizens. And the said tribes agree not to shelter or conceal offenders against the laws of the United States, but to deliver them up to the authorities for trial.

ARTICLE IX. The said confederated tribes desire to exclude from their reservation the use of ardent spirits, and to prevent their people from drinking the same; and therefore it is provided that any Indian belonging to said confederated tribes of Indians who is guiltyof bringing liquor into said reservation, or who drinks liquor, may have him or her proportion of the annuities withheld from his or her for such time as the President may determine.

ARTICLE X. The United States further agree to guaranty the exclusive use of the reservation provided for in this treaty, as against any claims which may be urged by the Hudson Bay Company under the provisions of the treaty between the United States and Great Britain on the fifteenth of June, eighteen hundred and forty-six, in consequence of the occupation of a trading post on the Pru-in River by the servants of that company.

ARTICLE XI. It is, moreover, provided that the Bitter Root Valley, above the Loo-lo Fork, shall be carefully surveyed and examined, and if it shall prove, in the judgement of the President, to be better adapted to the wants of the Flathead tribe than the general reservation provided for in this treaty, then such portions of it as may be necessary shall be set apart as a separate reservation for the said tribe. No portion of the Bitter Root Valley, above the Loo-lo fork, shall be opened to the settlement until such examination is had and the decision of the President made known.

ARTICLE XII. This treaty shall be obligatory upon the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

In testimony whereof, the said Isaac I. Stevens, governor and superintendent of Indian affairs for the Territory of Washington, and the undersigned head chiefs, chiefs and principal men of the Flathead, Kootenay, and Upper Pend d'Oreilles tribes of Indians, have hereunto set their hands and seals, at the place and on the day and year hereinbefore written.

ISAAC I. STEVENS, Governor and Superintendent Indian Affairs W.T. (L.S.)

VICTOR, Head Chief of the Flathead Nation, his x mark. (L.S.)

ALEXANDER, Chief of the Upper Pend d'Oreilles, his x mark. (L.S.)

MICHELLE, Chief of the Kootenays, his x mark. (L.S.)

AMBROSE, his x mark. (L.S.)

PAH-SOH, his x mark. (L.S.)

BEAR TRACK, his x mark. (L.S.)

ADOLPHE, his x mark. (L.S.)

THUNDER, his x mark. (L.S.)

BIG CANOE, his x mark. (L.S.)

KOOTEL CHAH, his x mark. (L.S.)

PAUL, his x mark. (L.S.)

ANDREW, his x mark. (L.S.)

MICHELLE, his x mark. (L.S.)

BATTISTE, his x mark. (L.S.)

KOOTENAYS

GUN FLINT, his x mark. (L.S.)

LITTLE MICHELLE, his x mark. (L.S.)

PAUL SEE, his x mark. (L.S.)

MOSES, .his x mark. (L.S.)

James Doty, Secretary.

R. H. Lansdale, Indian Agent.

W. H. Tappan, Sub Indian Agent.

Henry R. Crosire.

Gustavus Sohon, Flathead Interpreter.

A. J. Hoecken, Sp. Mis.

William Craig.

And, whereas, the said treaty having been submitted to the Senate of the United States for their constitutional action thereon, the Senate did, on the eighth day of March, eighteen hundred and fifty-nine, advise and consent to the ratification of the same, by a resolution in the words and figures following, to wit:

"In Executive Session,

"Senate of the United States, March 8, 1859,

"Resolved, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of treaty between the United States and Chiefs, Headmen and Delegates of the confederated tribes of the Flathead, Kootenay, and Upper Pend d'Oreille Indians, who are constituted a nation under the name of the Flathead Nation, signed 16th day of July, 1855.

"Attest: "ASBURY DICKINS, Secretary."

Now, therefore, be it known that I, JAMES BUCHANAN, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the eighth of March, one thousand eight hundred and fifty-nine, accept, ratify and confirm the said treaty.

In testimony where of, I have hereunto caused the seal of the United States to be affixed, and have signed the same with my hand.

Done at the city of Washington, this eighteenth day of April, in the year of our Lord one thousand eight hundred and fifty-nine, and of the Independence of the United States, the eighty-third.

JAMES BUCHANAN.

By the President:

LEWIS CASS, Secretary of State.

K-2

ILRE Lessons

- **Did You Know?**
- **Fair or Unfair: How Can We Tell?**
- **Iktomi and the Buffalo Skull**
- **Quail's Song: A Pueblo Indian Tale**
- **Understanding School Rules**
- **Where Do We Draw the Line?**

✹ DID YOU KNOW? ✹

Introduction

This lesson is designed as an introduction to an Indian LRE unit. It is an interactive lesson that begins to build an awareness of Indian peoples within the state of Montana.

ILRE Themes

Responsibility, Authority, Justice, Environment, Spirituality

Social Studies Themes

Cultural Heritage, Social History, Tradition and Change, Social Contracts, Citizenship, Interdependence

Grade Levels

K-2

Objectives

- To increase understanding of American Indian peoples as indigenous nations of North America;
- To demonstrate knowledge of Montana's Indian tribes through sharing of information;
- To become aware of the unique relationship between Indian tribes and state and federal governments;
- To practice interactive learning.

Time Needed

20-30 minutes

Materials Needed

Fact sheet (Handout 1)

Index cards with facts written on them (or sentence strips)

Procedure

1. Begin with a brief introduction to the topic of Indian Law. Perhaps create a list of what is already known.
2. Distribute index cards, one to each student.
3. Explain that each person is to exchange facts with as many people as possible within the given time frame.
4. After the alloted time has expired, question the group over facts contained on the cards.

Debrief

Discuss the following questions:

What did you learn that you didn't already know?

How did this exercise help you learn new information?

EACH ONE TEACH ONE FACT SHEET (K-2)

A reservation is the homeland or legally-owned land of a nation.

There are seven (7) Indian reservations in Montana.

Scientists have divided American Indian tribes into twelve (12) culture groups.

Before contact with Europeans, there were 200-300 Indian languages being spoken in North America.

There are eleven (11) federally-recognized tribes in Montana.

Indians gather for celebrations called pow wows.

A clan is a group of families that are related.

A tribe is a group of clans.

Besides attending school, Indian children learn from listening to stories told by tribal storytellers.

Elders teach about tribal ways.

Indian tribes have their own governments and laws.

✹ FAIR OR UNFAIR: HOW CAN WE TELL? ✹

Introduction

All people need to learn to judge if a rule or event is fair not just by our feelings, but also by the facts and the fairness to others. Young children especially require guidance in acquiring the skills to make valid judgments of fairness. This lesson uses folklore to demonstrate the issue of judging fairness.

ILRE Themes

Justice

Concepts

Fairness, consequences

Social Studies Themes

Cultural Heritage, Social History, Tradition and Change, Interdependence

Grade Levels

K - 2

Objectives

- To become acquainted with the concept of justice/fairness;
- To identify possible consequences of unfairness;
- To apply the concept of fairness to a series of typical incidents in a young student's life.

Time Needed

30-40 minutes

Materials Needed

Story booklets: Napi and the Bullberries

Iktomi and the Buffalo Skull (adapted by Minerva Allen)

The Crow

NOTE: These booklets are from the Indian Reading Series: Northwest Regional Educational Laboratory. Portland, OR.

Drawing paper and crayons or markers

Procedure

1. Read aloud Napi and the Bullberries.
2. Have the students discuss, "What was fair in this story? What was unfair in this story? Why? What happened to the character(s) who was wronged?"

3. Have the students discuss what happened (consequences) to the character(s) who was unfair, and what they might have done instead that might have been more fair.

4. Read one of the other stories.

5. Have each student draw a picture of one example from this story which shows fairness or unfairness. Ask for volunteers to share and explain their pictures, or assign students to groups which will role-play one example.

Debrief

Brainstorm examples of unfair incidents (using no names) the students may have seen or experienced. Choose two or three and discuss why they were unfair, what consequences there were, and what actions might have been more fair.

NOTE: *There are multiple stories of the trickster animals in American Indian folklore. Teachers can adapt from other resources if these stories are not available.*

Iktomi and the Buffalo Skull

Introduction

Trickster beings appear frequently in the lore of most American Indian tribes, sometimes as a spider, a coyote, or a being without definition. He has awesome powers that, among other things, allow him to change shape, grow new body parts, and come back to life. At the same time, he is both wily and stupid, serious and funny, feared and respected, liked and disliked. The trickster often gets caught up in his own tricks and is left facing the consequences of his own tricks. His reputation of trickery precedes him, causing others to distrust him. Iktomi is the name of one such trickster. In this story, Iktomi is both a trickster and the victim of his own trick. His reputation for not being trustworthy and his hasty action cause problems both for the mice and for himself.

ILRE Themes

Justice, Responsibility

Concepts

Cause and Effect, Consequences, Reputation, Justice, Trust

Social Studies Themes

Cultural Heritage, Social History, Tradition and Change, Citizenship, Interdependence, Spirituality

Grade Level

1-4 (adaptable for 5-6)

Objectives

- To understand cause and effect relationships to apply to wise decision making;
- To practice predicting natural consequences;
- To accept that the consequences of our decisions can affect other citizensine reputation, how it's developed and its effect.

Time Needed

One or two class periods

Materials Needed

- Story about Iktomi and the buffalo skull
- Butcher paper, m@}arkers and tape
- Drawing paper and crayons

Procedure

1. Help students explore cause/effect relationships by having them complete sentences such as: "When I touch a hot stove, I _____." "If I don't brush my teeth every day, I might _____." "If I throw a rock and break a window, I will _____." Explain that the answers they gave are the effects or consequences of doing or **not** doing an action. The action itself is the cause. Now reverse the sentences so you say the effect and the students fill in the cause (i.e., "I might get cavities if I _____.").

2. Instruct the students to try to remember all the things that happen to the characters in the story you're about to tell. Let them know that the characters will be some mice, Iktomi (the trickster) and

a rock. Tell the story about Iktomi and the buffalo skull. (NOTE: You may need to tell the story again sometime during the lesson as a reminder of the incidents and results.)

3. Divide a long piece of butcher paper into three sections. Title the sections "Cause," "Effects," "Character Affected." Ask the students what things happened (the effects) in the story, who each thing happened to (the character affected), and why each thing happened (the cause). As they respond, write the responses in the appropriate place on the chart.

4. Using the chart, ask students which effects were negative (not good or unpleasant). Why did they happen? Who was responsible? How could they have been avoided? Stress that part of being good citizens is thinking about how we might affect other people and things when we make decisions. Did Iktomi deserve his consequences? Why or why not?

5. Write the word "reputation" on the board. Ask the following or similar questions: "If a classmate almost daily borrows a pencil, but almost never returns it, will you continue to lend her pencils? Why or why not? Do you think other students would lend her one if they knew she didn't usually return them? Why or why not? If one of your classmates almost always knows the correct answer to math problems and is good at helping other students with math, would you want that student to help you with a math problem? Why or why not?" Explain that when someone becomes known for doing certain things over and over, they have a reputation. Other people hear about that reputation and usually think about the person's reputation when they think about the person. For example, "Gloria never laughs at people when they make a mistake, so I would feel comfortable working with her on my assignment," or, "Sam is always trying to trip people when we play soccer, so I don't want to play soccer when he's playing."

6. Discuss Iktomi's reputation with the class. Did it have anything to do with what happened in the story? What? What clue do you have Iktomi had a poor reputation? (The mice ran away when they saw who he was.) Do you think his reputation will be better or worse after the things that happened in the story?

7. Distribute drawing paper to the class. Have them each draw a picture showing what they think the mice did after they ran away. Display the drawings and discuss their ideas and why they thought them.

Debrief

Ask the students to think of a time when they made a decision that caused someone else a problem (i.e., went to a friend's house without permission and worried my parents; got mad and kicked a ball and it hit another student). As they share the situations, have them tell why they made the decision and what they think they should do next time. Can they think of any **famous** people who have good reputations? Who? Can they think of any **famous** people who have poor reputations? Who? How do they think Iktomi would get along as a student in their classroom? Why?

Extension Activities

1. In the story, Iktomi refers to the mice as "brothers" and to the rock as "Grandfather." These are terms of respect and reflect the interconnectedness of all people and all life to the "Earth Mother." Brainstorm other terms of respect familiar to the students from their own lives, other stories and books, news, government, military, etc. Discuss why we use these terms of respect, how we might earn them, and what we need to do to keep them.

2. Share other trickster stories. They can be found in many fine collections of Indian lore, and can be used as part of a study of each tribe, or to compare and contrast the stories themselves and their citizenship lessons.

Iktomi and the Buffalo Skill

One night Iktomi was going round when he heard singing and shouting and dancing somewhere close. When he stopped to listen, he suddenly felt a powerful desire to dance, too. So strong was this desire that the bottoms of his feet itched, and he began to search for the source of the sounds. As he was looking and listening, the sounds of dancing and singing seemed to become louder. Finally he decided that the sounds were coming from a dried buffalo skull lying near the path. He discovered that it was brightly lit inside.

Peeking in through an eye socket, Iktomi saw that the mice were holding a great dance. He knocked on a small door and called out, "My little brothers, take pity on me and let me enter. I want to dance, too." "Aw, let's open for big brother!" they said and opened the back door for him. He pushed his head inside, but could go no further. Then someone shouted, "Look out! It's Ikto!" and the mice ran out and soon disappeared into the darkness. Ikto sat down with the skull on his head and began to weep. He sat by the road, and whenever he heard someone going by he wept loudly; and when they went on past, then he wept in a low voice.

He ran to a rock and said, "Grandfather, knock this loose from me." So the rock said, "Very well. Swing your head this way." Ikto swung his head so forcefully toward the rock that he shattered the skull to pieces and bruised his head in the bargain. He was dizzy for days and went around feeling sick, they say.

Note: This is one version of this story. Other similar versions can be found in various collections of Indian lore.

✹ QUAIL'S SONG: A PUEBLO INDIAN TALE ✹

Introduction

The focus of this lesson is on the importance of respecting the property of others, a principle common to most peoples and cultures. This is an example of how traditions often become so necessary that they are written as laws.

ILRE Themes

Privacy, Justice

Concepts

Property rights, stealing, consequences

Social Studies Themes

Cultural Heritage, Tradition and Change, Social Contracts, Political/Economic

Grade Level

K - 2

Objectives

- To emphasize the importance of not taking others' property;
- To explore how people feel when their privacy is invaded;
- To introduce the concept that ideas are possessions.

Materials

Book: Quail's Song: A Pueblo Indian Tale (Adapted by Valerie Scho Carey)

Procedure

1. Read the story to the class.
2. Discuss the story with the students, emphasizing the following questions:
   - What happened (consequence) to Coyote for trying to steal Quail's song?
   - Was Quail justified in fooling Coyote for trying to steal her song? Why?
3. Have students brainstorm in groups of three or four:
   - What are some things belonging to others that people sometimes take without permission?
4. Using the list generated by the students, help the class write a rule about taking another's possessions without permission. (Examples: "Always ask and receive permission before taking your neighbor's ___." "Don't take another's _____ without asking."

5. Ask students to draw a picture of a “don’t.” Assist the students with writing the rule on the picture.

6. Display and discuss the “don'ts.”

Debrief

Provide a chart for students to mark a smiley face each time they hear a student (including themselves) ask permission to use another student’s possession. This can continue throughout the school year.

Extension Activity

Read Goldilocks and the Three Bears to the class. Discuss “invading one’s privacy.” Have some students role-play how Goldilocks should have acted (knocking on the door—coming back later when she found no one was home). Have other students role-play how the bears felt when they came home. An interesting addition might be to have the students and the teacher role-play how she/he would feel if someone was in her/his desk, locker, room, etc.

UNDERSTANDING SCHOOL RULES

Introduction

We all find rules easier to follow when we understand why they're needed, who made them, what might be the consequences for breaking them, and why they work or don't work. Children encounter many such rules when they attend school, and sometimes those rules are in conflict with rules at home. This lesson helps very young students understand the importance of knowing and obeying the rules in their own school.

ILRE Themes

Responsibility, Authority, Justice

Concepts

Rules, consequences, minor, Board of Trustees, truancy, neglect, discipline, punishment, safety, obedience

Social Studies Themes

Cultural Heritage, Social History, Tradition and Change, Social Contracts, Citizenship, Interdependence

Grade Levels

K - 2 (Extension Activities are appropriate for older students, too)

Objectives

- To identify the laws and rules of the school, why they are needed, and possible consequences for breaking them;
- To learn about the school's authorities and their duties;
- To become familiar with several new terms (concepts).

Time Needed

Three 30-minute periods at the beginning of the school year

Materials Needed

Book: Every Kid's Guide to Laws That Relate to School and Work by Joy Berry

Your school's student handbook

CRP(s): Preferably an administrator and a trustee

Procedure

Day One

1. Read aloud pages 3-27 from the book; these will support the rules in the student handbook. You will want to make sure your school rules agree.

2. Place the students in groups, one led by the CRP and one by the teacher, to discuss several rules, why each is to be obeyed and the consequences if it is not.

3. Assign a different rule to each student. Instruct them to each make a drawing of their own rule being obeyed or broken (pictures from the book will stimulate ideas). Put them together in book form so the class has its own rule book.

Day Two

1. Reread page 11 from the book. With a trustee present, have the students discuss what they know about the Board of Trustees and its function. The CRP can clarify points and add new ones.

2. Discuss a few of the rules and laws that trustees, administrators and teachers must follow, why they're needed, and some possible consequences of breaking them.

3. Assign: Each student will interview a family member or other older person to learn differences in school rules when they attended school and today's school.

Day Three

1. Ask each student to share orally what they learned in their interview. (Older students could write a paragraph about their findings.)

2. Have each student (or the class together) write a thank you note to each CRP.

Debrief

Have the students discuss:

Which rule(s) do you think will be easiest to follow?

Which will be hardest?

Do parents have to follow rules and laws too?

Extension Activities

1. Introduce the history of Indian Boarding Schools. A good resource is From Boarding Schools to Self-Determination (see bibliography). Another resource is Where the Spirit Lives, a movie filmed by the Canadian government which chronicles early boarding school times.

2. Hold an open house for parents during which each student explains his/her pictured rule. Conclude the event by having a class representative present the class' rule book to the school library.

Carvings and Graffiti: Vandalism, Art or Tradition?

Introduction

This lesson explores the controversy over whether graffiti on public or private property should be considered a form of art (sometimes with a religious purpose) or a form of vandalism. The U.S. Constitution protects genuine art as free expression, but also protects privacy and property from violation. Through an examination of symbols from several historical periods, various cultures, and their own environment, students will practice determining the differences between graffiti art and vandalism. At the same time, they will practice viewing ideas and events through different perspectives.

ILRE Themes

Authority, Environment, Justice, Responsibility, Spirituality

Concepts

Vandalism, Tradition, Freedom of Expression, Property Rights

Social Studies Themes

Cultural Heritage, Social History, Tradition and Change, Citizenship, Political/Economic, Technology, Interdependence

Grade Levels

K-2 (Adaptations for 3-5, 6-8 and 9-12 are also available)

Objectives

- To explore uses of symbols in various societies;
- To learn to differentiate between carving and graffiti-type art (free expression and vandalism;
- To recognize that responsibilities of citizenship must often take precedence over personal whims;
- To consider appropriate alternatives to vandalism;
- To experience decision making by groups.

Time Needed

One to two class periods

Materials Needed

- Book: And Still the Turtle Watched by Sheila MacGill-Callahan
- Pictures, slides, posters of hieroglyphs, petroglyphs, other symbols from many cultures (crosses, Star of David, swastika, military symbols, school mascots, cave paintings, tipi decorations, business logos, trademarks, etc.)
- CRP: suggest a tribal historian to discuss tribal symbols, school principal to discuss rules and laws against defacing school property, why the rules are needed and the possible consequences of breaking them
- Butcher paper, markers, drawing paper, crayons, tape
- Four symbol pictures (cut into correct number of puzzle pieces to create four equal groups)

Procedure

Phase 1

1. Show pictures of cave painting, petroglyphs, cultural symbols to class, explaining briefly what historians think they meant to the people who used them. Be sure to make the point that symbols are frequently used as a type of code, means of communication or part of a ritual.

2. Write the word "graffiti" on the board and explain the definition (graffiti is writing or drawing on a surface such as a wall or a rock). Ask the students to give examples of graffiti that they've seen. What kind of carved graffiti have they seen? List these examples on a piece of butcher paper. Write the word "vandalism" on the board and explain the definition (vandalism is destroying or ruining the appearance of public or private property). Ask the students which of their examples of graffiti might be considered vandalism. Circle those. Discuss as a group why they chose those examples as vandalism. Keep the lists for a later activity.

3. Stress that, while vandalism is against the law, and graffiti can be one kind of vandalism, graffiti can also be considered a kind of folk art. Some communities set aside fences or walls for "legal graffiti," and some hire artists to draw, paint or carve murals or symbols on certain properties. Because these artists have permission, the graffiti they put on these surfaces is not illegal. What types of "legal graffiti" have your students seen? Take a tour of your school looking for examples of graffiti and/or vandalism. The janitor is a great resource for this, and might be willing to guide the class to some examples and relate to them how his/her job is harder when there is graffiti to remove or damage to repair.

4. Divide the class into four groups by handing each student a puzzle piece and instructing them to find the other people who can make their symbol complete. *Note:* Be sure to have exactly the right number of pieces to complete all puzzles and include all students. In case of absences, be prepared by having extra puzzles cut into 3, 4 or 5 pieces or you can fill in the missing piece.

5. Give each student a piece of drawing paper. Instruct them to create a symbol or group of symbols that means something and that a stranger could understand. (You might show as examples a "No Smoking" sign or a hand with the finger pointing.) When all students are finished, have each student share his/her symbol and what it means with the other members of the group, but not with the class.

6. Instruct each group to choose one of their symbols to present to the whole class. This symbol now becomes the property of the group, not just the artist. (All pictures will be displayed later.) Allow the artist to make a copy of their pictures while the rest of the students help you hand their picture for display. While the artist of the chosen picture in each group holds the artwork, the other group members should explain its meaning to the class. When all groups have finished sharing their symbol, have them trade theirs with another group.

7. Instruct each group to deface the picture they have now. Hold up the damaged pictures; ask how each person felt about having their group's property damaged; how did the artists feel? Display the copies of the artists' pictures with those of the rest of the class.

8. Explain (or have the principal explain) that the school building and all the desks, chairs, etc., in it belong to a group called taxpayers, and their parents are members of that group. Who's property are we damaging when we write on things belonging to the school? How would that make their parents feel?

Debrief

Ask students to respond to the following questions: Do you need to add to the list of graffiti you made earlier? Do you agree with your earlier choices of vandalism on the list? Is graffiti a problem in this school? Can you think of some way to keep people from defacing school property? Can you think of something that might be "legal graffiti" in the school? What?

Phase 2

1. Review the definitions of "graffiti" and "vandalism."
2. Read aloud the book And Still the Turtle Watches be Sheila MacGill-Callahan. Do not show the pictures this time. Be sure to practice so you can almost tell the story!
3. In the story, humans make several changes to a large rock. As you read the story again, showing and explaining the illustrations, ask the students to imagine that they are members of the Delaware Indian Tribe who originally lived on the land where the rock was found. Remind them that the Delaware believed that the plants, animals and even rocks were just as important as humans and should always be treated with respect.
4. As a class, discuss "Should the old man's carving of the sacred turtle be considered as vandalism or as 'legal graffiti?' Why?"
5. As a class, discuss "Should the boys' spray painting of graffiti on the turtle rock be considered as vandalism or as 'legal graffiti?' Why?"
6. Have the students pair off and, as partners, share with each other what they believe the Delaware Indians should think or feel if they read the story. Ask for one student from each to report their discussion to the class.

Debrief

Have students respond to the following questions: "Do you think the man who found the turtle rock did the right thing when he took it away to be cleaned? Why? Do you think he did the right thing when he put it on display in the public gardens for many people to see? Why? What do you believe the Delaware Indians think about having it on display instead of where it was when the old man carved it? Why?"

Extension Activity

Have the class design a mural using symbols. Then have them choose a delegation to request permission from the principal to either recreate the mural on the sidewalk with chalk or on the snow with spray bottles filled with water and food coloring. You might want to enlist the help of the art teacher, and don't forget to have the students dress in old clothes for the project it it's approved! This becomes "legal graffiti."

3-5

ILRE Lessons

- **Did You Know?**
- **The Rough-Face Girl/**
  The Legend of Scarface
- **Sharing Responsibility**
- **Where Do We Draw the Line?**

✹ DID YOU KNOW? ✹

Introduction

This lesson is designed as an introduction to an Indian LRE unit. It is an interactive lesson that begins to build an awareness of Indian peoples within the state of Montana.

ILRE Themes

Responsibility, Authority, Justice, Environment, Spirituality

Social Studies Themes

Cultural Heritage, Social History, Tradition and Change, Social Contracts, Citizenship, Interdependence

Grade Levels

3-5

Objectives

- To increase understanding of American Indian peoples as indigenous nations of North America;
- To demonstrate knowledge of Montana's Indian tribes through sharing of information;
- To become aware of the unique relationship between Indian tribes and state and federal governments;
- To practice interactive learning.

Time Needed

20-30 minutes

Materials Needed

Fact sheet (Handout 1)

Index cards with facts written on them (or sentence strips)

Procedure

1. Begin with a brief introduction to the topic of Indian Law. Perhaps create a list of what is already known.
2. Distribute index cards, one to each student.
3. Explain that each person is to exchange facts with as many people as possible within the given time frame.
4. After the alloted time has expired, question the group about facts contained on the cards.

Debrief

Discuss the following questions:

What did you learn that you didn't already know?

How did this exercise help you learn new information?

EACH ONE TEACH ONE FACT SHEET (K-2)

A reservation is the homeland or legally-owned land of a nation.

There are seven (7) Indian reservations in Montana.

Scientists have divided American Indian tribes into twelve (12) culture groups.

Before contact with Europeans, there were 200-300 Indian languages being spoken in North America.

There are eleven (11) federally-recognized tribes in Montana.

Indians gather for celebrations called pow wows.

A clan is a group of families that are related.

A tribe is a group of clans.

Besides attending school, Indian children learn from listening to stories told by tribal storytellers.

Elders teach about tribal ways.

Indian tribes have their own governments and laws.

THE ROUGH-FACE GIRL / THE LEGEND OF SCARFACE

Introduction

This lesson considers the way individuals and society treat persons with disabilities and/or disfigurements, in other words, those who look "different." A literature/folklore-based lesson, it focusses on looking inside the person and the concepts of kindness, honesty and fairness.

ILRE Themes

Responsibility, Justice, Spirituality

Concepts

Fairness, honesty, integrity, discrimination, equal opportunity

Social Studies Themes

Cultural Heritage, Social History, Social Contracts, Interdependence

Grade Levels

3 - 5

Objectives

- To relate the events of traditional stories to the real events of daily life;
- To explore the practical and emotional impact of our treatment of others;
- To become familiar with laws and programs dealing with persons with disabilities;
- To apply critical thinking skills to the concepts of fairness and honesty;
- To practice participation skills through role-play.

Time Needed

Two class periods

Materials Needed

Books: The Rough-Face Girl by Rafe Martin

The Legend of Scarface: A Blackfeet Indian Tale by Robert San Souci

CRPs (suggest a counselor, civil rights attorney, special education teacher)

Procedure

1. Read aloud the two stories.
2. Ask students to compare the ways Scarface and Rough-Face Girl were treated because of their physical features. Be sure to concentrate on the fairness of their treatment and of the final outcome. (*NOTE:* Some students may realize that these are examples of the "Cinderella" story and this is a good place to make that connection.)

3. With a CRP's participation, have the class brainstorm ways people often treat others who are "different." The CRP should relate these responses to the Americans with Disabilities Act and its efforts to make sure every person has equal opportunities. Ask students to compare the ends of the stories to the intent of the above act.

4. With a counselor to guide the discussion, explore possible reasons why people often treat persons with disabilities and/or disfigurements differently.

5. Divide the class into groups of 3-5 students. Instruct each group to create their own story/ legend with a theme similar to the above two stories.

6. Have each group present their story either in storytelling form or in a role-play.

Debrief

Discuss the following questions:

How did the stories the groups wrote compare with the original legends?

Are there other cultures that have similar legends? Give examples.

Folklore and legends were used by American Indians and other cultures as teaching tools. What lessons did you learn from these stories?

Extension Activities

1. Present their created stories to other classes.

2. Take a mini-tour of your school facility and note what accommodations have been made for people with disabilities? What is needed? To make this even more effective, have students use a wheelchair, crutches, blindfold, earplugs, etc., during the tour. Present your findings to the school board.

SHARING RESPONSIBILITY

Introduction

In order to make any society work effectively and to preserve our rights, each individual has personal responsibilities as well as shared responsibilities. This literature-based lesson emphasizes those shared responsibilities in which young people might share to make a positive contribution to society.

ILRE Themes

Responsibility, Authority, Environment

Concepts

Sharing, duties, community

Social Studies Themes

Social Contracts, Citizenship, Political/Economic, Interdependence

Grade Levels

3 - 5 (Extension Activities for 6 - 8)

Objectives

- To introduce to students a story of Native American people from their beginning to the present day;
- To foster critical thinking with concepts of responsibility in sharing earth-space with others (community);
- To compare the various roles individuals and elected tribal and non-tribal officials fill in shared responsibilities;
- To familiarize the students with traditional oral narrative.

Time Needed

45-60 minutes

Materials Needed

Book: The People Shall Continue by Simon Ortiz

Butcher paper and markers

Procedure

1. Read the story and invite student discussions/questions. The emphasis of this story is "the shared responsibility" (pg. 5); therefore, the remainder of the lesson will be shared in groups.
2. Divide the class into groups and instruct each group to use their butcher paper and marker to create a web with "Community Responsibility" in the center. Students will add to this some ways in which they can contribute to the community. Examples might include community clean-up or planting trees.

3. Next, show the students a chart or web showing the main hierarchical structure of city or school officials and discuss their responsibilities to the community or school. Each group will now make a mural to depict these positions and duties. Students can be encouraged to use symbols such as an open book to show a library, an apple for a school, etc.

4. The same activity can be utilized to introduce students to Montana Indian tribal government—the responsibility of this government to its people and the Elders' roles in their community. Encourage students to use authentic American Indian symbols.

Debrief

Discuss the following questions:

What do you think would happen if nobody was responsible for cleaning up after themselves? If everybody was?

Why do you think elected officials have so many very specific responsibilities? Would they need them if every individual was completely responsible?

Extended Activities

1. Invite a city or school official, a tribal council member or an Elder to visit the class as a CRP. Have the students write the letter of invitation. The CRP might help the students explore ways they can share responsibility in their community and/or tribe.

2. Have each group compile a "scrapbook" of newspaper and magazine articles about people who make a difference by carrying out their individual and shared responsibilities.

3. Tour City Hall and/or a tribal office and observe the officials at work.

4. Other activities might include setting up classroom councils with defined duties and elections; a school or community project shared by class members; a mural depicting the responsibilities of state or federal government officials.

NOTE: *A valuable teacher resource is Montana Indians: Their History and Location. (See Companion Pieces.)*

Carvings and Graffiti: Vandalism, Art or Tradition?

Introduction

This lesson explores the controversy over whether graffiti on public or private property should be considered a form of art (sometimes with a religious purpose) or a form of vandalism. The U.S. Constitution protects genuine art as free expression, but also protects privacy and property from violation. Through an examination of symbols from several historical periods, various cultures, and their own environment, students will practice determining the differences between graffiti art and vandalism. At the same time, they will practice viewing ideas and events through different perspectives.

ILRE Themes

Authority, Environment, Justice, Responsibility, Spirituality

Concepts

Vandalism, Tradition, Freedom of Expression, Property Rights

Social Studies Themes

Cultural Heritage, Social History, Tradition and Change, Citizenship, Political/Economic, Technology, Interdependence

Grade Levels

3-5 (Adaptations for K-2, 6-8 and 9-12 are also available)

Objectives

- To explore uses of symbols in various societies;
- To learn to differentiate between carving and graffiti-type art (free expression and vandalism;
- To recognize that responsibilities of citizenship must often take precedence over personal whims;
- To consider appropriate alternatives to vandalism;
- To experience decision making by groups.

Time Needed

One to two class periods

Materials Needed

- Book: And Still the Turtle Watched by Sheila MacGill-Callahan
- Pictures, slides, posters of hieroglyphs, petroglyphs, other symbols from many cultures (crosses, Star of David, swastika, military symbols, school mascots, cave paintings, tipi decorations, business logos, trademarks, etc.)

- CRT: suggest a tribal historian to discuss tribal symbols, school principal to discuss rules and laws against defacing school property, why the rules are needed and the possible consequences of breaking them
- Butcher paper, markers, drawing paper, crayons, tape
- Four symbol pictures (cut into correct number of puzzle pieces to create four equal groups)

Procedure

Phase 1

1. Show pictures of cave painting, petroglyphs, cultural symbols to class, explaining briefly what historians think they meant to the people who used them. Be sure to make the point that symbols are frequently used as a type of code, means of communication or part of a ritual.
2. Write the word "graffiti" on the board and explain the definition (graffiti is writing or drawing on a surface such as a wall or a rock). Ask the students to give examples of graffiti that they've seen. What kind of carved graffiti have they seen? List these examples on a piece of butcher paper. Write the word "vandalism" on the board and explain the definition (vandalism is destroying or ruining the appearance of public or private property). Ask the students which of their examples of graffiti might be considered vandalism. Circle those. Discuss as a group why they chose those examples as vandalism. Keep the lists for a later activity.
3. Stress that, while vandalism is against the law, and graffiti can be one kind of vandalism, graffiti can also be considered a kind of folk art. Some communities set aside fences or walls for "legal graffiti," and some hire artists to draw, paint or carve murals or symbols on certain properties. Because these artists have permission, the graffiti they put on these surfaces is not illegal. What types of "legal graffiti" have your students seen? Take a tour of your school looking for examples of graffiti and/or vandalism. The janitor is a great resource for this, and might be willing to guide the class to some examples and relate to them how his/her job is harder when there is graffiti to remove or damage to repair.
4. Divide the class into four groups by handing each student a puzzle piece and instructing them to find the other people who can make their symbol complete. *Note:* Be sure to have exactly the right number of pieces to complete all puzzles and include all students. In case of absences, be prepared by having extra puzzles cut into 3, 4 or 5 pieces or you can fill in the missing piece.
5. Give each student a piece of drawing paper. Instruct them to create a symbol or group of symbols that means something and that a stranger could understand. (You might show as examples a "No Smoking" sign or a hand with the finger pointing.) When all students are finished, have each student share his/her symbol and what it means with the other members of the group, but not with the class.
6. Instruct each group to choose one of their symbols to present to the whole class. This symbol now becomes the property of the group, not just the artist. (All pictures will be displayed later.) Allow the artist to make a copy of their pictures while the rest of the students help you hand their picture for display. While the artist of the chosen picture in each group holds the artwork, the other group members should explain its meaning to the class. When all groups have finished sharing their symbol, have them trade theirs with another group.

7. Instruct each group to deface the picture they have now. Hold up the damaged pictures; ask how each person felt about having their group's property damaged; how did the artists feel? Display the copies of the artists' pictures with those of the rest of the class.

8. Explain (or have the principal explain) that the school building and all the desks, chairs, etc., in it belong to a group called taxpayers, and their parents are members of that group. Who's property are we damaging when we write on things belonging to the school? How would that make their parents feel?

Debrief

Ask students to respond to the following questions: Do you need to add to the list of graffiti you made earlier? Do you agree with your earlier choices of vandalism on the list? Is graffiti a problem in this school? Can you think of some way to keep people from defacing school property? Can you think of something that might be "legal graffiti" in the school? What?

Phase 2

1. Review the definitions of "graffiti" and "vandalism."

2. Read aloud the book And Still the Turtle Watches be Sheila MacGill-Callahan. Do not show the pictures this time. Be sure to practice so you can almost tell the story!

3. In the story, humans make several changes to a large rock. As you read the story again, showing and explaining the illustrations, ask the students to imagine that they are members of the Delaware Indian Tribe who originally lived on the land where the rock was found. Remind them that the Delaware believed that the plants, animals and even rocks were just as important as humans and should always be treated with respect.

4. As a class, discuss "Should the old man's carving of the sacred turtle be considered as vandalism or as 'legal graffiti?' Why?"

5. As a class, discuss "Should the boys' spray painting of graffiti on the turtle rock be considered as vandalism or as 'legal graffiti?' Why?"

6. Have the students pair off and, as partners, share with each other what they believe the Delaware Indians should think or feel if they read the story. Ask for one student from each to report their discussion to the class.

Debrief

Have students respond to the following questions: "Do you think the man who found the turtle rock did the right thing when he took it away to be cleaned? Why? Do you think he did the right thing when he put it on display in the public gardens for many people to see? Why? What do you believe the Delaware Indians think about having it on display instead of where it was when the old man carved it? Why?"

Extension Activity

Have the class design a mural using symbols. Then have them choose a delegation to request permission from the principal to either recreate the mural on the sidewalk with chalk or on the snow with spray bottles filled with water and food coloring. You might want to enlist the help of the art teacher, and don't forget to have the students dress in old clothes for the project if it's approved! This becomes "legal graffiti."

6-8

ILRE Lessons

- **Did You Know?**
- **From Chiefs to Tribal Council**
- **Prayer on the Reservation**
- **What is Sovereignty?**
- **Why Not Sell the Air?**
- **Why So Many Governments?**
- **Where Do We Draw the Line?**

✹ DID YOU KNOW? ✹

Introduction

This lesson is designed as an introduction to an Indian LRE unit. It is an interactive lesson that begins to build an awareness of Indian peoples within the state of Montana.

ILRE Themes

Responsibility, Authority, Justice, Environment, Spirituality

Social Studies Themes

Cultural Heritage, Social History, Tradition and Change, Social Contracts, Citizenship, Interdependence

Grade Levels

6-8

Objectives

- To increase understanding of American Indian peoples as indigenous nations of North America;
- To demonstrate knowledge of Montana's Indian tribes through sharing of information;
- To become aware of the unique relationship between Indian tribes and state and federal governments;
- To practice interactive learning.

Time Needed

20-30 minutes

Materials Needed

Fact sheet (Handout 1)

Index cards with facts written on them (or sentence strips)

Procedure

1. Begin with a brief introduction to the topic of Indian Law. Perhaps create a list of what is already known.
2. Distribute index cards, one to each student.
3. Explain that each person is to exchange facts with as many people as possible within the given time frame.
4. After the alloted time has expired, question the group about facts contained on the cards.

Debrief

Discuss the following questions:

What did you learn that you didn't already know?

How did this exercise help you learn new information?

EACH ONE TEACH ONE FACT SHEET (6-8)

Scholars have estimated the population of American Indians in 1492 at numbers between 1.5 to 10 million.

The population of native peoples in 1910 was estimated at less than 250,000.

A reservation is the homeland or legally-owned land of a nation.

There are seven (7) Indian reservations in Montana.

Anthropologists have divided American Indian tribes into twelve (12) culture groups.

Indian languages have been divided into 18 dominant language families.

Before contact with Europeans, there were 200-300 Indian languages being spoken in North America.

The U.S. Constitution gave Congress the right to make treaties with Indians.

The Bureau of Indian Affairs is the arm of the federal government that is charged with overseeing Indian affairs.

There are eleven (11) federally-recognized tribes in Montana.

Indians were granted citizenship in 1924.

The federal government forced the state of New Mexico to give Indians voting rights in 1962.

Indians were denied the right to vote as a result of the fourteenth (14th) amendment in 1868.

Over four hundred (400) treaties have been signed between the United States government and Indian tribes.

In Montana, the Little Shell Band of Chippewa-Cree is currently seeking recognition.

When western territories wanted to become states, they gave up any authority over Indian tribes. There was a regulation that required the states' constitutions to recognize Indian land rights.

The relationship between states and reservations is often confusing.

Some federal laws allow states to make contracts with the Secretary of the Interior to provide services on reservations. States can involve themselves with reservations only when the federal government allows them to.

Major crimes committed on Indian reservations are tried in federal court, not in state court.

Most Indian tribes in Montana have court systems to handle civil cases and minor criminal offenses.

An example of tribal and state negotiations is tribal gaming.

Non-Indians owning land and/or living on a reservation do not have a voice in tribal affairs.

Indian people are U.S. citizens, citizens of the state where their reservation is located, and citizens of their tribe.

Indian tribes have the power to tax within the boundaries of the reservation.

If an Indian works someplace other than on their reservation, they must pay state income tax.

The Discovery Doctrine defined the relationship between the U.S. and Indian nations: When a nation comes across land unknown to it in the past, that nation may acquire ownership of the land but not control of the people living on the land.

✹ FROM CHIEFS TO TRIBAL COUNCIL ✹

Introduction

Students will study the early tribal leadership roles and how the tribes moved toward establishing a tribal council system of government. These changing roles of early tribal political leadership were not influenced by non-Indians as were those established later.

ILRE Themes

Authority, Responsibility, Privacy, Justice

Concepts

Sovereignty, treaties, rights, constitutional principles

Social Studies Themes

Cultural Heritage, Social History, Tradition, Change, Social Contracts, Citizenship, Political, Interdependence

Grade Levels

6 - 8

Objectives

- To learn about the different political roles of tribal leadership which include **chief, sub-chiefs, minor chiefs, war chief**, and **grabbers** among the Salish and Pend d'Oreille Tribes;
- To learn about the different roles of tribal leadership that were established by the Indian Reorganization Act of 1934, which provided the political system known as the tribal council.

Time Needed

One or two class periods

Materials Needed

Hellgate Treaty and Tribal Constitutions (Duties and Responsibilities of the Tribal Council)

CRP (suggest tribal council member)

Information about the social organization of the tribe, now and historically, if possible

Background on Chiefs of the People

Tribal Council flow chart

Tribal Council Minutes

Indian Reorganization Act (glossary)

Procedure

1. Read handout on roles of Chiefs-Grabbers. Discuss their different roles.
2. Give background on some past tribal leaders (chiefs).
3. Discuss present-day tribal council, election process, tribal voting districts. A CRP should help clarify this information and add any points missed.
4. Read both the handout on the Tribal Council and the latest meeting minutes. Ask the CRP to help guide the students through the minutes which demonstrate how issues are addressed with the council method. Then have them role play (with the CRP's help) using the same issues, but with the chief's system.
5. With input from the CRP, have the students brainstorm the similarities and differences between chiefs and tribal council systems. List their responses on the board.

Debrief

"Take a Stand" on the statement: The present-day tribal council system works better than the earlier chiefs system. (See "Where Do We Draw the Line" lesson for the "Take a Stand" procedure.) Be sure students give reasons for their stands.

Extension Activities

1. Hold mock elections for tribal council or have students form the older tribal leadership roles. Present problems for them to work through using either form of government.
2. Attend a Tribal Council meeting if possible.
3. Do a library research paper on Great Chiefs.

Pre-White Culture—Social Organization Handout

Before the coming of white people to Montana, the Salish tribal groups had developed their own ideals of proper behavior for members of the group. Each person had duties to the community in return for the social and economic benefits received from the tribe. They knew what kind of behavior the tribe wanted and expected social disapproval and punishment if they didn't meet that tribe's expectations. The social controls used were shaming, gossip, and low esteem. Formal controls included public lectures by the tribal leaders and physical punishment in extreme cases.

In the old culture, the successful hunter, hardworking wife, and brave warrior were praised and held in honor by their neighbors. The cowardly warrior, the careless parent, or lazy wife would be made fun of and an object of gossip. As a child, the Salish were taught that each person needed the group for safety and economic success. As a result of this training, the threat of lost honor, gossip, and sarcasm was a very successful way to make people conform to group goals. Most people worked for the approval of the group and valued the company it offered.

In those cases where the informal controls were not enough, the person faced formal correction from the tribal police and the chief. Chiefs usually used their power as possible, and only with the support of tribal elders unless the welfare of the tribe was in danger. For example, buffalo hunting trips to the Great Plains were always under threat of Blackfeet attack, and so were set up almost as military trips. On the plains, where a mistake could threaten the lives of the whole hunting party, rule breaking was punished quickly and firmly.

Tribal Government

Chief and Sub-chief among the Salish

The position of head chief of all the Salish was considered hereditary except under unusual conditions. The chief was honored and possessed real duties which usually passed to his oldest living son. The chief's office did sometimes pass to other families. The council could choose to pass over the oldest son and select a younger son of the previous chief. Should the chief die without sons—daughters could not be chiefs—it would be necessary to call a council and elect a new chief. The person chosen would usually be the senior "sub-chief" of the tribe.

The sub-chiefs formed a sort of military general staff, advising the chief and carrying out his orders. The war chief was the companion and advisor of the high chief. The most honored warrior with the greatest number of notches on his coup stick was the war chief. He accepted orders from the head chief and was obeyed by the warriors not only because they respected his accomplishments but also from fear.

The minor chiefs up to the war chief were considered more like "crew bosses." Their offices were not permanent and were not given any sacred character. They could not commit the tribe to war to make peace with the enemy. Since these men did not interfere in the duties of the head chief, the head chief, in return, did not seek to run the affairs within the bands. The head chief was not a band chief. The petty affairs of his band were usually handled by a sub-chief.

Formal Control among the Salish

For the Salish, the main public crimes seem to have been wife stealing, murder, theft, and slander. It was the Salish chief's duty to stop these antisocial acts. To aid him, he appointed a group of able fighting men called the "grabbers" to assist him in the internal police. They might warn wrong-doers, but never punish them on their own. They reported all crimes to the chief, whether great or little, who reserved punishment for

himself. These men were not organized into police societies, but held their office only by the chief's appointment.

Should a complaint be made to a chief, the guilty was summoned immediately. The chief usually decided the matter then and there. In a difficult case, he might call a council of sub-chiefs, but was not forced to follow their advice. Since the authority of the chief was based on the respect of the community, no chief would go against the wishes of the community and council without serious reason.

Whippings and scoldings were the only methods used to punish crimes. Chiefs did their own whipping and never gave the task to someone else. One hundred lashes was usually the heaviest penalty given. The Salish did not send offenders away from the tribe or have them killed, but the whipping usually left the guilty person horribly bruised and often unconscious. The wrongdoer was supposed to submit willingly to the judgment. He was supposed to lie down and expose his back without anyone telling him to do so. After the whipping, the person remained on the robe while the chief lectured him on his evil deed. Then the evildoer was supposed to rise and shake hands with everyone in the circle as a token of his good will toward all.

Should someone's behavior become so annoying that he deserved severe warning and punishment short of the whip, he was told to appear before the council. The offender knelt on a rod about the thickness of a finger which was placed on the ground immediately before the chief and within the ring of elders. There was silence as long as the chief wished which was long enough to allow the culprit to feel the discomfort of the chief's disapproval in his heart and the rod under his knees. Then the chief began to speak, the offender had to kneel on the rod until the chief concluded his speech, which could be several hours. Just the threat of this punishment was enough to prevent most offenses.

The Council

The Salish councils were advisory bodies to the head chief or the minor chief to whom they were attached. Their membership was confined to the minor leaders of the area. A council was called a "talking" and the place where its sessions were held was called "the talking place." If all members of the band were silent, the speaker could be assured that his speech met with disapproval. The council might ask someone to advise them on a certain point, and allow him to address them. In the old days, honored warriors were sometimes admitted to the council to join in the smoking as a sign of thanks, but their position was not permanent.

The Family

The Salish had a clear line between the small family and the great family. A small family were the people who lived in the same lodge and used the same fire. The people who lived in the same lodge were closely related except for any guests who might be present. In the old days, it was good to have as many in the lodge as it could comfortably hold, since there was safety in numbers. This included grandparents, father, mother, and unmarried children. Married sons and their wives and often daughters with their husbands were urged to remain under cover of the parental lodge as long as they would.

Marriage Among the Salish

When the time had come, the young Salish man looked about for a bride. A girl was ideally married about four years after her puberty, as a period of about this length was required for her to learn her future household duties. It was thought disgraceful for a woman to wait until 20 before marrying. The customs were less specific for the man, but he usually wanted to marry as soon as he could. This was as soon as he might show the girl's parents that he was a good provider. This rarely happened before the youth's twentieth year. A young fellow who had counted coup, no matter what his age, could almost certainly marry any girl in camp. The Salish claim there was no difference between the honor given a man who had counted coup and a good hunter. Both were signs of an inner ability and skill. A type of child marriage or betrothal was

common. Sometimes the promise of marriage was announced by allowing the little boy and girl to dance together during the marriage dance. Such marriages were not completed any earlier than those mentioned above, but nevertheless, they were thought of as binding contracts which even death could not dissolve. Should such a spouse die before the marriage was completed, his or her family must furnish another son or daughter to dance with the widowed child at the next marriage dance. The matter of marriage was entirely in the hands of the parents. It was true that the marriage should be approved by the entire family group, but only the parents had the power to refuse a marriage offer. Other important people, especially uncles, could only show their disapproval by not making the usual wedding gifts and shunning the newlyweds.

Open courtship was not allowed by the Salish. The boy was not supposed to approach the girl directly—though he did—and the girl had no choice in the matter at all. If a young man looked on a girl with favor, he had his parents approach those of the girl. The man's family customarily took the first step. Under very unusual conditions a girl's mother or other relative in authority might make the first move by offering the girl to the boy's parents.

It was usually the boy's mother that was the messenger. Old people have told of cases when the boy's father, uncle, or some other elderly male relative made the request. It is clear that the preferred pattern was for the boy's mother to begin the talk with the girl's mother. Normally, the girl's mother then called a family council of her immediate relatives for a thorough discussion of the merits of the young man and his family. This council worked for total agreement. It is hinted in the above that even the boy did not have complete choice in this matter. The reason for this is not hard to see. He was not the only one entering into a new relationship. When two Salish families were joined by marriage of their children, the parents also entered into a relationship requiring mutual friendship and aid when needed. In spite of this, there was no feeling that families should exchange marriageable children. It often happened that once two families had children who married, another marriage took place. This was due to the families getting to know each other, and was not a regular part of the marriage custom.

Among the Salish there were frequent problems resulting from parental control in marriage. In the closeness of the camp, young men and women would find themselves attracted and would want to marry. If the parents did not agree, most lovers separated and gave up hope. Yet, some of the heartier couples braved parental anger and eloped. Elopement of this kind was certain to bring someone after the couple. When the girl's relatives found the young couple, the couple was given a thorough scolding, brought back to camp, and handed over to the chief. The girl's parents would usually then consent to the marriage and even insist upon it with the chief's approval. Even if there was anger and name calling, elopements usually had happy endings. Some informants say that marriages by elopement were generally more successful than those by parental choice.

The Salish strongly deny the use of a bride price, or dowry. Not only do they take great pride in the fact that their daughters were not for sale, but also that they were pretty enough and good enough workers for the young men to want them without a dowry. There was a system of gift exchange related to marriage. This outward show of faith and good will has some role in binding the marriage agreement. If the bridegroom was proud of his wife-to-be, he would make her as fine an engagement gift as he could. A fine riding horse was the most valued object the Salish youth could give. An unmarried girl or bride was proud to have it said of her that she has a horse tied outside her door. Later in life, her husband might tie a horse outside her door as a hint that he intended to divorce her.

Marriage Rites of the Salish

There were three forms of marriage rites practiced by the Salish. They are listed from the least to the most formal: (1) wedding by public understanding of living together; (2) wedding by parental choice or urging; and (3) wedding by the marriage song and dance.

As the first form has been described, we will go on to the second—wedding by parental choice or urging. The day after the girl's family shows their agreement to the marriage, the groom's family brought their son a new set of clothing, and valuable presents to the bride's lodge and left. The bride's father then sat his new son-in-law beside the bride and began to talk about the economic, physical, and moral sides of marriage. At the end of the talk, the father pronounced them married. The newlyweds lived with the bride's parents until the entire camp moved. On that morning, the husband prepared his wife's personal articles, mounted her on the fine gift horse, paraded her through camp, and rode with her to the next camp site. At this time, the bride wore the wedding dress given her by her parents-in-law. As soon as the new camp was set up, the bridegroom rode with his new wife to his parent's lodge where she was welcomed into her new family. His father repeated the talk on marriage duties and the wedding was considered complete.

The main parts of the third marriage form—wedding by the marriage song and dance—were the dance, the magic song sung before the dance, the lecture by the chief, and the ride of the gift horse. This ceremony could be at a regularly scheduled dance, or one set up for the occasion. Everyone who wished, joined to dance in a circle around the brides and bridegrooms, while the chief sang the marriage song. Other songs were sung at this time, some magical, some humorous. The humorous songs were apt to be quite broad in their content, but were not to be resented. The pair of pairs must stand silently through this with their eyes fixed on the ground. At the right time, the chief would stop the singing and dancing and publicly announce that so and so were now married. He then followed this with a lecture on proper marriage conduct. After the dance, gifts were exchanged.

Ending a Marriage

In the old days, either party could end a marriage. Should the wife's family hear that their daughter was being abused by her husband, they were free to take her away from him. The people were not very understanding of wives who leave their husband. The wife could not expect to return to her old family circle unless her complaints were serious. Her family might even return her to her husband. The only act which might be looked upon as a divorce rite was for the husband to tie a horse at the wife's door. The woman was given this means to move out, and she considered it a gentle hint to move away. Children who were part of the mother's family, went with her. There were some rare cases when the father was so fond of the children that he made a show of force to keep them.

Recreation and Social Life

Daily Life

The Salish rose before daybreak. Immediately upon rising, everyone went to a nearby stream or lake and plunged in. Holes were kept in the ice in the winter for this purpose. No one put on moccasins on the way to the bath. Walking through the snow was thought good for you. The more hearty even went naked. This icy bath is highly praised by elderly people today, who say it made them used to accepting the cold and pain and to take pride in their heartiness when compared to men 60 years younger. They claim not to have known rheumatism and respiratory infections.

Hospitality and Good Manners

Salish family life was very informal. Husbands, wives, and children spoke their minds. Any visitor was offered food whenever he entered another's lodge. Such food must be accepted and eaten, whether the visitor was hungry or not. Even though a male caller should come during the husband's absence, the wife must say, "Sit down while I find some food for you." The husband would be embarrassed if this offer was not made and he found out. To refuse to offer or accept food was a real insult.

Manners were so important that one of the first things asked about a stranger would be, "What kind of manners has he?" In speaking to a man—no matter what his age—the Salish used a term meaning elder kinsman, usually "my elder brother." Women wishing to speak with respect of someone used a phrase mean-

ing, “I stand back of him.” A person was supposed to await his turn in speaking whether in addressing a council or in private talks. Also, it was unforgivable to pass someone you know without speaking to them.

Informal Social Control

In a Salish band, formal social control seems to have been used as little as possible. The chief depended on the general rules of action and ridicule to keep order. To fight or even to carry deep grudges against a fellow tribesman was thought extremely harmful to the group. To fight within the tribe brought great shame to the people involved, and biting insults from their neighbors.

Personal grudges and revenge played a big part in informal social control. An individual and his relatives were free to use the law of vengeance for such grave offenses as wife stealing and murder. In each of these, however, the chief preferred to deal out public punishment, but his office was never strong enough to take personal vengeance out of the list of socially accepted practices. In the case of murder, vengeance had to be taken immediately.

Leadership Sketches

The choices facing the tribes during these years required strong and courageous leaders and the Salish of the early nineteenth century were fortunate in finding such elders in Three Eagles and Grizzly Bear Looking Up.

Three Eagles

Only scattered information is available about the life of Three Eagles, as he seems to have died between 1812 and 1825. The sources indicate that Three Eagles was chief during the 1805 meeting between the Salish and the Lewis and Clark Expedition in Ross’ Hole. This visit established the pattern of friendship between the whites and the Salish. Three Eagles fostered this friendship in his dealings with the British Trader, David Thompson, and even required Thompson’s advice on strategy against the Blackfeet. Three Eagles was killed as a result of Blackfeet treachery during a brief truce in the war between the tribes.

Grizzly Bear Looking Up—Warrior/Statesman

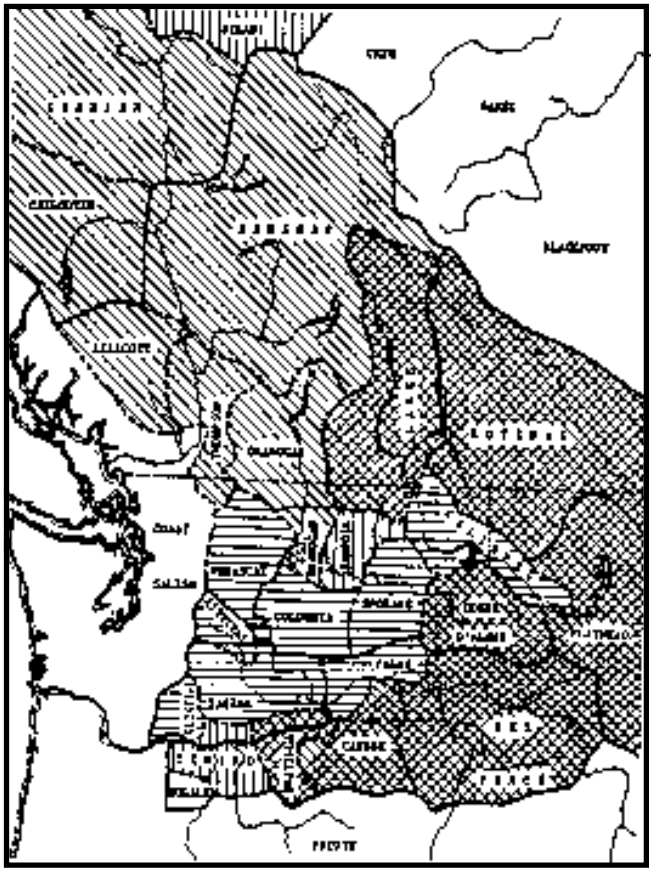
Grizzly Bear Looking Up survived the 1780 smallpox epidemic as a youth and then went on to be recognized as senior Salish leader after the Blackfeet killed his brother, Three Eagles, between 1812 and 1825. He was probably with the Salish when they met Lewis and Clark in Ross’ Hole in 1805. Over the years, Grizzly Bear Looking Up became well known to the White traders and missionaries for his miliary skill, deep religious beliefs and wisdom as a leader.

Grizzly Bear Looking Up’s miliary skill impressed many experienced traders who liked traveling with the Salish for protection against Blackfeet raiders. For example, in 1832, John Work recorded the events of a battle between the Blackfeet and a Salish trapper party in which Grizzly Bear Looking Up fought so aggressively that at the age of 79 he had two horses shot out from under him.

The religious dedication shown by Grizzly Bear Looking Up made a special impression on Father Nicholas Point. As chief, Grizzly Bear Looking Up made a daily circuit around the camp advising people to observe their duties and responsibilities to the tribe and family. When the missionaries arrived, Grizzly Bear Looking Up actively sought the spiritual powers they offered.

As part of the Salish efforts to develop an alliance with the white traders and to ensure the availability of guns and ammunition, Grizzly Bear Looking Up became personal friends with such traders as David Thompson, John Work, and Warren Ferris. He went with Thompson and Ferris on trips and was a frequent house guest of Work at Flathead Post.

The sources tell little about Grizzly Bear Looking Up's role in the Salish leadership, but suggest he played an active role in developing Salish policies of the period. We know: (1) he personally worked to secure the Salish alliance with the white traders against the Blackfeet; (2) he supposed the missionaries to secure the spiritual aid of the white man's God; and (3) he maintained friendships with both British and American traders, demonstrating his desire to keep the Salish neutral in the British-American rivalry over the Columbia River Basin. These leadership choices combined with Grizzly Bear Looking Up's personal bravery and moral leadership helped the Salish survive the crises of the early 1800s. He died in 1841 and was succeeded by his nephew, Victor, the son of Three Eagles.



Types of Political Organization. Vertical hatching: strict local autonomy; diagonal hatching: small bands of villages; horizontal hatching: local autonomy with slight tribal tendency; cross hatching: tribal organization.

From Vern F. Ray, Cultural Relations in the Plateau of Northwestern America (The Southwest Museum, Los Angeles, CA, 1939) page 11.

✹ PRAYER ON THE RESERVATION ✹

Indian issues are emotionally charged and logic is often clouded by the heat of the moment.
—American Indian Digest: Facts About Today's American Indians, 1995 ed. Thunderbird Enterprises, Phoenix, AZ

Introduction

All Americans are guaranteed freedom of speech and religion by the First Amendment to the U.S. Constitution. The U.S. Supreme Court has found school prayer to be unconstitutional. However, Congress passed the "American Indian Freedom of Religion Act" (A.I.F.R.A.) which recognizes the Indians' right to exercise their traditional religions. This lesson focuses on the above act, while it provides practice in decision-making and explores the hearing process.

ILRE Themes

Responsibility, Authority, Justice, Privacy, Spirituality

Concepts

Hearing process, freedom of expression and religion, tradition, policy, rights and responsibilities

Social Studies Themes

Cultural Heritage, Social History, Tradition and Change, Social Contracts, Citizenship, Political/Economic, Space, Place, Movement

Grade Level

6 - 8 (Also available, adaptations for 9 -12)

Objectives

- To demonstrate a knowledge of the American Indian Freedom of Religion Act;
- To understand rights guaranteed under the First Amendment;
- To demonstrate the ability to rationally discuss points of view other than one's own;
- To practice the hearing process;
- To "Take a Stand" and support it.

Time Needed

One to two class periods, depending on students' prior knowledge about the First Amendment and the American Indian Freedom of Religion Act

Materials Needed

- Handout "Prayer on the Reservation" (Each copy should have a number from 1 to 7 corresponding to the roles listed in the activity below.)
- CRP (school trustee, tribal official, attorney)

Procedure

1. Briefly review the U.S. Supreme Court decisions that have found school prayer unconstitutional and the pertinent portions of the A.I.F.R.A.
2. Form groups of seven by using the numbers on the handouts and make groupings of numbers 1 through 7.
3. Explain that the groups will role-play a mini-school board meeting and each student assumes the role assigned to the number on his/her handout.
4. Instruct the students to read the handout and to think briefly about the stand they will take. The board chair-person will ask each group/person to state their position and briefly explain why they feel this way. The board chairperson takes no stand on the issue, but acts as the facilitator allowing each participant an opportunity to speak (approximately two minutes per person). After hearing all arguments, the facilitator will reach a decision as to whether Thomas Bear Cloud can give a benediction at this graduation and what the school's policy on this issue will be. The group will then have a brief opportunity to react to the facilitator's decision. Each facilitator will then be asked to "Take a Stand" to demonstrate his/her group's decision and to state the reasons.

Debrief

Have the students discuss, "How is this case like the school prayer cases? How is it different? Should Thomas Bear Cloud be allowed to say the prayer?"

PRAYER ON THE RESERVATION HANDOUT

Wyola, Montana, is a community of approximately 300 people and is located on the Crow Reservation. The K-8 public elementary school has 65 students. Forty-five of these students are Crow, three are non-member Indians, and 17 are non-Indians. Thomas Bear Cloud, a spiritual leader of the Sundance, has been asked to say a prayer at the eighth-grade graduation. The graduation ceremony will be held on Sunday in the school gym.

According to the American Indian Freedom of Religion Act, Congress recognized its obligation to "protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise (their) traditional religions."

Using the information you've learned about the First Amendment and the American Indian Freedom of Religion Act, decide how your character would answer the question, "Should Thomas Bear Cloud be allowed to say the prayer?" and plan the arguments you will use to convince the board chairperson to agree with you. You will have two minutes to present your argument.

ROLES:

#1 School administrator

#2 Crow parent

#3 Non-member parent

#4 Non-Indian parent

#5 Tribal Council representative

#6 Non-Indian religious leader

#7 Board chairperson

QUESTIONS TO CONSIDER

1. What arguments can the school make?
2. What arguments can the Crow parents make?
3. What arguments can the non-member Indian parents make?
4. What arguments can the non-Indian parents make?
5. What arguments can the Tribal Council make?
6. What arguments can non-Indian religious leaders make?

FIRST AMENDMENT HANDOUT

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or the press, or of the right of the people peaceably to assemble, and to petition the Government for redress of grievances.

The *establishment clause* forbids both state and federal governments from setting up churches and from passing laws aiding one or all religions, or favoring one religion over another. In addition, it forbids the government from passing laws barring or requiring citizen attendance at church or belief in any religious idea.

The *free exercise clause* protects the right of individuals to worship as they choose. However, when an individual's right to free exercise of religion conflicts with other important interests, the First Amendment claim does not always win.

"Taken together, the establishment and free exercise clauses prohibit the government from either endorsing religion or punishing religious belief or practice. Some people believe that the two clauses require the government to be neutral toward religion. Others believe that the First Amendment requires the government to accommodate religious belief and practice as long as it does not establish a state religion."

(National Institute for Citizenship Education. Street Law, Fifth Edition. West Publishing, 1994)

Lee v. Weisman, No. 90-1014

The issue whether including a clergyman who offers invocation and benediction prayers in formal graduation ceremonies violates the religious freedom clauses of the First Amendment.

Decided June 24, 1992: In a 5-4 decision, the Supreme Court ruled that the inclusion of a nonsectarian prayer offered by members of the clergy at public secondary school graduation ceremonies violates the Establishment Clause of the First Amendment.

American Indian Religious Freedom Act

§1996. Protection and preservation of traditional religions of Native Americans

Henceforth, it shall be the policy of the United States to protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions of the American Indian, Eskimo, Aleut, and Native Hawaiians, including, but not limited to, access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites. (Aug. 11,1978, P.L. 95-341, § 1, 92 Stat. 469.)

✹ WHAT IS SOVEREIGNTY? ✹

Tribal sovereignty is a paradox because the United States government, while recognizing the tribes as sovereign nations, has perpetuated a relationship of tribal dependence on the government.
—American Indian Digest: Facts About Today's American Indians, 1995 ed. Thunderbird Enterprises, Phoenix, AZ

Introduction

One of the most misunderstood aspects of the Indian and non-Indian relationship is the sovereign status of tribal governments. Webster's defines **sovereign** as, "being independent of all other." Politically, a sovereign nation is one which is independent of control by other nations. How, then, is an Indian tribe sovereign? Aren't Indian people residents of the United States? Aren't tribal lands part of the United States? These questions will be answered in the lesson that follows.

ILRE Themes

Authority, Responsibility, Privacy, Justice

Concepts

Sovereignty, rights, constitutional principles

Social Studies Themes

Cultural Heritage, Social History, Tradition and Change, Social Contracts, Citizenship, Political/Economic, Space/ Place/Movement, Global Perspective, Interdependence

Objectives

- To define **sovereignty** as it applies to Indian tribes;
- To define the **discovery doctrine**;
- To explain the principles of the **reserved rights doctrine**.

Grade Level

6 - 8

Materials Needed

Sovereignty Handout

Hellgate Treaty

Large paper to list retained tribal rights and rights given to the government

CRP (suggest a tribal or constitutional law attorney)

Procedure

1. Introduce the lesson with a discussion of current issues concerning Indian sovereignty. Have students read the lesson.

2. Divide students into groups of two or three and assign question #1 found at the end of Handout 1.

3. Groups then present findings to the class. On the large paper, make a list of rights given to government and rights retained by the tribe. The CRP would be valuable here and during the discussion of other questions to clarify facts, guide the students' critical thinking, and provide legal expertise.

4. Assign additional questions for research.

Debrief

Discuss the following questions:

Does the discovery doctrine seem fair today? Explain.

Suppose beings from a nation on another planet landed in the United States, claimed they hadn't known the land existed, and used the discovery doctrine to acquire ownership of the land. Would that seem fair? Why or why not?

SOVEREIGNTY HANDOUT

Has your family ever sold your house or car? What happened as a result of that sale? Your family moved out of the house or left the car with the new owners. Because the house was sold, did your family structure change? Did the new owners begin to make the rules for your family? Were your parents still in charge of the well-being of your family? Of course, your parents still acted as parents. In the new house or new car they still made the rules and managed the family. Your family was still intact and acted like a family. The sale of property did not include the sale of your family's right to act as a family, they were still sovereign or independent of other families and the new owners of the property.

When European nations first came to the shores of North and South America they encountered a variety of native people. Some tribes were organized into large nations and others were small independent tribes. Regardless of the size of each tribe, it was recognized by the Europeans that each had independent governments. Therefore, when Europeans wanted the land these people lived on, they developed the process of writing treaties with the independent people to acquire the land they wished to occupy. Even when war and violence were used to persuade the Indians to give up their land, a treaty was ultimately written which granted the Europeans the right to the land they desired, thereby transferring ownership of Indian lands to the conquering nation. This arrangement recognized the independent government of each Indian group. Because the Indian people were giving away or selling their land, they were not giving up the right to control their own government. In other words, the Indian people were losing land, not their sovereign status as a nation and were still independent nations or tribes.

The idea that conquering nations were acquiring land, not control of the Indian people on the land, is called the **discovery doctrine.** According to the discovery doctrine, when a nation discovers land unknown to it in the past, that nation may acquire ownership of the land but not control of the people living on the land. In most cases in the United States, the Indian people gave up or sold the right to only a portion of their land in the treaties they made with the United States. The tribes retained some of their land to live, work and hunt on, therefore keeping their sovereignty as a nation, as well as some of their land. Reservations today are the land Indian people continued to own or lands that the United States government agreed to exchange for traditional Indian homeland as a result of treaties.

In the United States, a court decision recognized the principles of the **discovery doctrine.** In 1823, in the case Johnson v. McIntosh, the Supreme Court ruled that the United States must negotiate treaties with the Indians to acquire their lands. In these treaties, the tribes kept all rights they did not grant the United States government.

When tribes agreed to give or sell part or all of their land, they continued to keep other rights as free people. They were only transferring land ownership and keeping or reserving other rights for themselves. Each treaty was different, but each granted specific rights to the federal government and kept all other rights for the tribe. This idea is referred to as the **reserved rights doctrine.**

Problem Solving

1. Form groups of two or three students. Each group will read an Article (or more) of the Flathead Treaty (include Articles 1 - 11 only). After reading the Article, each group should list rights the Flathead people reserved for themselves and rights they gave to the federal government. Each group will present their list to the whole class. As groups present, write their findings on large sheets of paper. One paper will list reserved rights and the second paper will list granted or lost rights. Discuss as a class why some rights were reserved by the tribe and others were granted to the federal government.

2. Are families totally sovereign in the United States today? Make a list of family rights that the government has gained.

3. Research how family rights have changed since colonial times in the United States.

✹ WHY NOT SELL THE AIR? ✹

It seems poetic justice that some reservations have become valuable land due to mineral resources, pristine resources, and urban locations.
—American Indian Digest: Facts About Today's American Indians, 1995 ed. Thunderbird Enterprises, Phoenix, AZ

Introduction

Reservations (reserved land) are the historical land base of American Indian people, or land Indian people exchanged through treaties for their original land base. Many treaties included provisions which banned non-Indians from living on the reservations unless permission from the federal government had been obtained to reside on the Indian land. Today, Indian and non-Indian people reside on reservations. In some cases, there are actually more non-Indian residents than Indians living on some reservations. This lesson will explore how so many non-Indians came to reside on reservations.

ILRE Themes

Authority, Responsibility, Justice

ILRE Concepts

Jurisdiction, sovereignty, public hearings, reservation, allotment

Social Studies Themes

Cultural Heritage, Social History, Tradition and Change, Social Contracts, Citizenship, Political/Economic, Global Perspective, Interdependence

Grade Levels

6 - 8

Objectives

- To understand the reasons for the General Allotment Act;
- To examine the American Indians' viewpoint on the General Allotment Act;
- To participate in a public hearing activity.

Time Needed

Two class periods

Materials Needed

Handouts 1 and 2

Room arrangement similar to a hearing

CRPs (see Hearing Procedure, Step 2)

Procedure

1. Introduce the lesson with a discussion on how laws are made. Explain the purpose of the public hearing in formulation of law. Provide students with recent examples of public hearings.

2. Read the lesson (Handout 1).

3. Follow the procedure for the Congressional hearing.

Debrief

Discuss the following questions:

Which group(s) had the best arguments and why?

Would you have enough information to make a good decision? If not, what other information would you need to make a good decision as a legislator?

As a legislator, would you be concerned about conflict between Indians and non-Indians living on reservations?

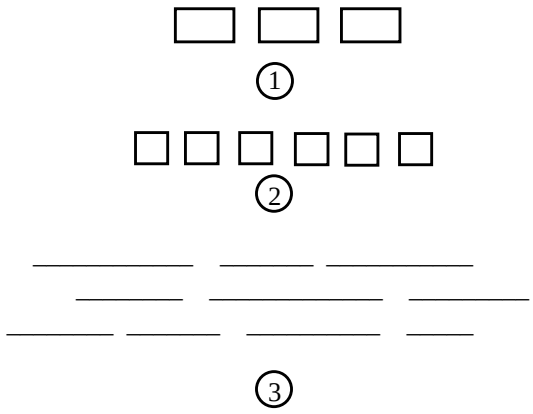
Hearing Procedure

1. Divide the class into six groups with each group assigned a specific role to play in a Congressional hearing on the General Allotment Act. Give to each group only the role they will play and allow them time to prepare a five-minute testimony to be given at the Congressional hearing. Decide ahead of time if you will require each group member to participate in the hearing or if groups may select a spokesperson. If all members of the group must participate in the hearing, increase the presentation time to seven minutes or more.

2. Invite to your class three CRPs—legal professionals, legislators, tribal leaders, or local government officials—to participate in the activity as members of the Congressional committee. After each group presents, allow the committee members to ask a few questions of the presenters. When the hearing is completed, ask the committee members to join in discussing the debrief questions.

NOTE: If you cannot finish the entire hearing when the CRPs are present, ask students who presented for the CRPs to act as the Congressional delegates the next day. They will easily imitate the probing questions of the adults after seeing the process work.

Arrange the classroom desks or tables to resemble a hearing room, similar to the diagram below:



HANDOUT #1
Why Not Sell the Air?

By 1880, most reservations had been established, but the federal government was not satisfied with the impact of reservation life on American Indians. The Indian people were living in severe poverty conditions. Furthermore, the Indians were attempting to continue to live in a traditional lifestyle. As a result, Congress began to look at ways to bring Indians into the mainstream of American life and force them to give up traditional lifestyles. In searching for a way to achieve this goal, Congress reflected on what kept Indians separated from other Americans. It was decided the major deterrent to integration of Indians was the fact that tribes owned land, rather than individual Indians owning land. It was felt that if reservation lands were divided up and granted to individuals, this land would be used for farming and the Indians would give up their traditional practices and become like white people. A plan was devised called the General Allotment Act of 1887 (also called the Dawes Act) which divided the lands of the reservations into individual plots and distributed the land to specific (heads of family, etc.) Indians. Any reservation land not allotted to Indians could then be opened to non-Indians for homesteading. When the Dawes Act was enacted, Indian allotments could also be sold or leased to non-Indians. As a result of this law, large portions of reservation land were acquired by non-Indians. This law was detrimental to Indians and resulted in Indian ownership of land on reservations declining to 48 million acres, compared to 138 million acres prior to the law.

The Dawes Act allowed non-Indians to live on reservations and own land, but the act did not end reservations. The reservations were established as a result of treaties between the federal government and tribes or Indian nations and continued even though the lands had been distributed to both Indian and non-Indian individuals.

HANDOUT #2
Public Hearing Roles

Group 1—This group is headed by Tecumseh, a Shawnee leader. Tecumseh's view on making treaties that grant land to whites is summarized in the quote below. Tecumseh actually lived in the early 1800s and was killed while fighting on the British side in the War of 1812. His solution to stopping white Americans from taking Indian lands was to unite all Indian tribes to fight and force the white Americans off Indian lands. He united Indians in the Red Stick Confederation.

"Why not sell the air, the clouds, the great sea? . . .

White people are never satisfied . . . They have driven us from the great salt water, forced us over the mountains.

. . . We are determined to go no further."

Group 2—This group is headed by Chief Weninock, a Yakima leader.

"When we were created we were given our ground to live on and from this time these were our rights. This is all true. We were put here by the Creator . . . I was not brought from a foreign country and did not come here. I was put here by the Creator."

Group 3—This group is headed by Chief Joseph, a Nez Perce leader.

"This country was made without lines of demarcation, and it is not man's business to divide it. The one who has the right to dispose of it is the one who has created it. I claim a right to live on my land and accord you the privilege to live on yours."

Group 4—This group is headed by Crazy Horse, an Oglala Sioux leader.

"We do not interfere with you, and again you say, why do you not become civilized? We do not want your civilization! We would live as our fathers did, and their fathers before them."

Group 5—This group is from the Montana Stock Growers Association. They are eager to acquire more land for open range cattle ranching. Railroads have made it possible to bring large numbers of cattle into Montana and they anticipate that the available range area will be overstocked. They need more land for the cattle if they are to prosper and make money. They have the backing of the territorial governor.

Group 6—This group is made up of federal employees of the Immigration Service. Large numbers of Europeans are arriving in the United States every day. When they arrive in New York, there are few jobs available for the immigrants. American citizens resent the arrival of so many immigrants because of the competition for jobs. The city is already overcrowded. The city services such as housing, sanitation, and health are all being strained because so many new people arrive each day. You feel the government must open new lands for homesteading so these immigrants can move to a better place. You favor the General Allotment Act because you know the land not allotted to Indians can be opened for homesteading for the new immigrants. You feel the Indians are not using the land properly and its resources are being wasted.

✹ WHY SO MANY GOVERNMENTS? ✹

Developed by Marilyn Ryan

Introduction

News reports of conflict between the authority of tribal governments and state and county governments are commonly found in newspaper headlines in states where reservations are located. All too often, the conflict expands into Indian vs. non-Indian antagonism, rather than a dispute concerning jurisdiction of two governmental bodies. This lesson is concerned about the authority of tribal governments and the relationship of states and tribal governments.

LRE Themes and Concepts

Authority, responsibility, justice, conflict

Social Studies Themes

Cultural Heritage, Social History, Tradition and Change, Social Contracts, Citizenship, Political/Economic, Space/ Place/Movement, Global Perspective, Interdependence

Objectives

- To identify the ways different governments have jurisdiction over our actions and activities;
- Define reservation;
- Explain laws and court decisions that define tribal jurisdiction;
- Define **domestic dependent** status of Indian tribes.

Grade Level

7 - 8

Materials Needed

Handout 1

Procedure

1. Ask students to list the different governmental bodies that write laws concerning their life (for example: federal, tribal, state, county, city, school districts). As students respond, list the different governments on the board or overhead.
2. Divide students into groups of two or three and have the students list three rules or laws from each of these different governments.
3. As students report the result of their brainstorming of laws, list examples on the board next to each type of government. Discuss how and why different governments can write laws to regulate behavior.
4. Read Handout 1. Select problem solving questions to work with in class.

TRIBAL AND STATE JURISDICTION HANDOUT

What is an Indian Reservation?

A reservation is the homeland or legally-owned land of a sovereign people. Reservation lands, in most cases, belonged to the Indians before the treaty existed that recognized the Indian ownership. Some reservations consist of land that the Indian people traded (often were forced to trade) the federal government for their original land base. The people living on the reservation still have sovereign reserved powers, even though their land base may have been reduced or traded for alternate land.

Non-Indians owning land and/or living on reservations do not have a voice in tribal affairs. They are not members of the tribe; therefore, they can never have the rights of citizenship in the tribe. Membership in a tribe can only be gained by birth.

In 1924, all Indian people who had not already been granted U.S. citizenship through other laws, such as the General Allotment Act, were recognized as citizens. Indian people are U.S. citizens of the state in which their reservation is located and citizens of their tribe.

Tribal Governments, State Governments, and the Federal Government

Tribal governments have a direct relationship with the federal government. This relationship was established in the U.S. Constitution in Article 1, Section 8. When treaties were written with Indian tribes, the Indian tribes gave some of their sovereign powers to the federal government along with their land, but retained or reserved most powers of independent sovereign people.

As early as 1831 a Supreme Court case, Cherokee v Georgia, declared Indian tribes **domestic dependent** nations. This classification made tribes subject to the laws and regulations of the U.S. Congress, but not to states within the union. Congress has power to write laws and develop policies concerning tribes, but the tribes still retain their sovereignty. Congress, the dominate power, has the responsibility to protect the right of the tribe to govern itself. States cannot interfere with the affairs of the tribe.

Even earlier than the Cherokee v Georgia decision, the federal government established the Bureau of Indian Affairs to administer government Indian policy. In 1824, this agency was established to handle the relationship of tribes and the federal government. States may establish agencies to handle the state and tribe relationship, but this relationship is based on compromise and negotiation of issues, not on one government dominating the other sovereign government. An example of tribal and state negotiations is tribal gambling.

The federal government has direct authority on reservations, but states do not. States can write laws or manage affairs on reservations only if the federal government has specifically granted them authority in a particular situation or circumstance.

When western territories sought to become states, a common regulation demanded their state constitution contain a clause that recognized Indian land rights. The Enabling Act of 1888, which allowed Montana to write a constitution and apply for statehood, has such a provision. Due to such policies, states have given up any right or authority over Indian tribes.

Some federal laws have allowed the states to make contracts with the Secretary of the Interior to provide services on reservations. These contracts often concern education, health, and welfare. For example, Montana can regulate schools on reservations because of such a contract.

Other federal laws, such as Public Law 280 (1953), have granted some states limited authority on reservations. This law allowed some states to maintain law and order on specifically designated reservations. Laws such as this, plus many others, have caused great confusion over what authority states have regarding reservations. The principle to keep in mind is that tribal governments are sovereign and protected by the federal government. States can involve themselves with reservations only when the federal government

allows them such interaction for specific services or actions. In all other cases, states have no rights to govern on reservations.

Although this principle may seem clear, the relationship between states and reservations is often very confusing. The numerous laws that allow states authority concerning the reservation have clouded the line of authority and caused conflict concerning the state's rights and the reservation's rights. The laws that grant state authority on reservations are very specific, but the idea has developed in states that if a state can have certain regulation ability on reservations, it has total authority on reservations. Tribal governments often find they are in the position of having to go to court to clarify the authority in specific areas. The tribes over and over win these cases but state, county, and city governments continue to question and attempt to expand their authority on reservations.

PROBLEM SOLVING

1. When this lesson was introduced, we listed different governments and the laws that these governments could write to regulate our behavior. Is there a difference between tribal governments having authority to regulate non-members on the reservation and state laws and city laws regulating our behavior? Discuss.

2. If you visit a neighboring city, do you have to follow a curfew law regulating hours youths can be on the streets?

   If you were to drive a car in a state where you were not a resident, would you have to follow the speed limit of that state?

   Are there any similarities or differences between the way these laws affect non-residents and the way tribal laws affect non-Indians?

3. Research a current conflict between tribal government and the state and/or local government. For example, gambling agreements, water rights, jurisdiction of criminal activity on school land, etc. Prepare a debate on one of these issues.

4. Study the principles established by the Tulle v Washington (1942) Supreme Court decision (see below summary of these principles). Why would the Court issue a ruling including these principles?

Tulle v Washington

When the Supreme Court makes a court ruling regarding Indian treaties, the following principles will guide the Court's decision:

1. Ambiguous (unclear) language in treaties will be decided in favor of Indians;
2. Treaties are to be interpreted as Indians would have understood the document;
3. Treaties will be liberally interpreted in favor of the Indians;
4. Treaties keep for Indians all rights that have not been granted away.

9-12

ILRE Lessons

- **Did You Know?**
- **Chronicles of Sissy**
- **Gambling on Montana Reservations**
- **Indian Cultural Preservation**
- **Negotiating a Treaty**
- **Review of Montana American Indian Constitutions**
- **The Place of Falling Waters**
- **Where Do We Draw the Line?**

✹ DID YOU KNOW? ✹

Introduction

This lesson is designed as an introduction to an Indian LRE unit. It is an interactive lesson that begins to build an awareness of Indian peoples within the state of Montana.

ILRE Themes

Responsibility, Authority, Justice, Environment, Spirituality

Social Studies Themes

Cultural Heritage, Social History, Tradition and Change, Social Contracts, Citizenship, Interdependence

Grade Levels

9-12

Objectives

- To increase understanding of American Indian peoples as indigenous nations of North America;
- To demonstrate knowledge of Montana's Indian tribes through sharing of information;
- To become aware of the unique relationship between Indian tribes and state and federal governments;
- To practice interactive learning.

Time Needed

20-30 minutes

Materials Needed

Fact sheet (Handout 1)

Index cards with facts written on them (or sentence strips)

Procedure

1. Begin with a brief introduction to the topic of Indian Law. Perhaps create a list of what is already known.
2. Distribute index cards, one to each student.
3. Explain that each person is to exchange facts with as many people as possible within the given time frame.
4. After the alloted time has expired, question the group about facts contained on the cards.

Debrief

Discuss the following questions:

What did you learn that you didn't already know?

How did this exercise help you learn new information?

EACH ONE TEACH ONE FACT SHEET (9-12)

Scholars have estimated the population of American Indians in 1492 at numbers between 1.5 to 10 million.

The population of native peoples in 1910 was estimated at less than 250,000.

A reservation is the homeland or legally-owned land of a nation.

There are seven (7) Indian reservations in Montana.

Anthropologists have divided American Indian tribes into twelve (12) culture groups.

Indian languages have been divided into 18 dominant language families.

Before contact with Europeans, there were 200-300 Indian languages being spoken in North America.

The U.S. Constitution gave Congress the right to make treaties with Indians.

The Bureau of Indian Affairs is the arm of the federal government that is charged with overseeing Indian affairs.

There are eleven (11) federally-recognized tribes in Montana.

Indians were granted citizenship in 1924.

The federal government forced the state of New Mexico to give Indians voting rights in 1962.

Indians were denied the right to vote as a result of the fourteenth (14th) amendment in 1868.

Over four hundred (400) treaties have been signed between the United States government and Indian tribes.

In Montana, the Little Shell Band of Chippewa-Cree is currently seeking recognition.

When western territories wanted to become states, they gave up any authority over Indian tribes. There was a regulation that required the states' constitutions to recognize Indian land rights.

The relationship between states and reservations is often confusing.

Some federal laws allow states to make contracts with the Secretary of the Interior to provide services on reservations. States can involve themselves with reservations only when the federal government allows them to.

Major crimes committed on Indian reservations are tried in federal court, not in state court.

Most Indian tribes in Montana have court systems to handle civil cases and minor criminal offenses.

An example of tribal and state negotiations is tribal gaming.

Non-Indians owning land and/or living on a reservation do not have a voice in tribal affairs.

Indian people are U.S. citizens, citizens of the state where their reservation is located, and citizens of their tribe.

Indian tribes have the power to tax within the boundaries of the reservation.

If an Indian works someplace other than on their reservation, they must pay state income tax.

The Discovery Doctrine defined the relationship between the U.S. and Indian nations: When a nation comes across land unknown to it in the past, that nation may acquire ownership of the land but not control of the people living on the land.

A treaty is a binding international agreement between two or more sovereign nations.

The Indian Civil Rights Act of 1868 requires tribal governments and courts to guarantee certain individual rights, such as the right to trial by jury in criminal cases.

CHRONICLES OF SISSY

Introduction

These four lessons chronicle the early life of "Sissy" and how she learns about bigotry and racism, how she progresses from being a youth at risk to a juvenile delinquent, dependent on drugs and alcohol and living on the streets of a large city. Then, with the help of the justice and medical systems, Sissy begins to "reform." Students need previous knowledge of the juvenile justice system and status crimes.

ILRE Themes

Authority, Responsibility, Privacy, Justice, Environment

Concepts

Juvenile justice, delinquency, neglect, status crimes, assault and battery, relocation, trust lands, gangs, probation, truancy, DUI, minor in possession, drug abuse, shoplifting, burglary, discrimination, reform

Social Studies Themes

Cultural Heritage, Social History, Tradition and Change, Social Contracts, Citizenship, Political/Economic, Space/Place/Movement, Interdependence

Objectives

- To develop an understanding of LRE concepts as they relate to juveniles and adults;
- To apply LRE concepts to personal situations;
- To explore the legal results of "culture clash";
- To become familiar with the juvenile justice system and other agencies which deal with youth.

Grade Level

9 - 12 and juvenile justice settings (Questions may need to be adapted for specific grades or locations.)

LESSON #1

Materials Needed

Narrative #1

CRPs (see individual lesson procedures for suggestions)

Time needed

One or two class periods

Procedure

1. Review related information about the juvenile justice system and status crimes. (Strongly suggest having a CRP from the juvenile court, probation office, or an attorney present this information prior to this lesson.)

2. Have the class brainstorm ways that bigotry and racism can be found in society, on and off the reservations.

3. Have a student or a guest adult "tell" the story of Sissy found in Narrative #1.The story-teller might portray Sissy's aunt, uncle or caseworker.

4. Distribute copies of Narrative #1. Explain that this was Sissy's first encounter with racism. Have them discuss the following questions:

   a. Was Sissy's father treated fairly by the police? Explain your answer.

   b. What legal alternatives (if any) did Sissy's father have open to him at the time (1953) as an American citizen and/or as a Native American? (For useful background information, see Companion Pieces.)

   c. Based on the facts of the story, do you think Sissy's father was put in jail fairly or unfairly? Why?

   d. Assuming Sissy had never previously witnessed prejudice and racism, what conclusions do you think this six-year-old child might have drawn as a result of the incident?

   e. Whatever conclusions Sissy came to because of this experience, do you think this experience will affect her perception of right and wrong, her trust in law enforcement and her feelings about her father, her heritage and herself? Explain.

Debrief

The questions with each lesson can serve this purpose.

SISSY: NARRATIVE #1

Sissy was born and raised on the Fort Belknap Indian Reservation near Harlem, Montana. Sissy's mother and father were both one-half Gros Ventre and one-half white. Her parents took great pride in their Indian heritage and practiced all the native traditions.

Sissy was born in the early 1950s and, by that time, the white world outside the boundaries of the reservation had started to show influence on the young Native Americans, sometimes causing the old ones to whisper to each other behind their hands and shake their heads with concern.

Sissy and her brothers and sisters had to walk two miles from their log cabin that sat next to the Milk River, to catch the school bus that would transport them another 20 miles into Harlem for school. The bitter cold wind would whip across the stubble field Sissy and her siblings ran across to get to the highway, stinging exposed hands and faces, bringing tears to their eyes. Therefore, it was with great joy and excitement when one day after school, with miles still to travel to their drop-off, Sissy spotted her father's old red pickup truck pulled off the highway to fix a flat tire. Sissy and her brothers and sister clambered off the school bus, ran across the highway and hugged their father hello. When the tire was fixed, father tucked blankets and a tarp around the boys, who huddled in the box of the truck. Sissy and her sister sat in the cab with their father. They then drove back to town where father had some business to do and some groceries to pick up.

As Father drove slowly down the street in search of a parking spot, a large new car parked in front of a local bar backed out directly in front of Father's old truck. Unable to stop, Father hit the car hard in the rear. The impact caused Sissy to fly forward and hit her forehead on the windshield, causing a large cut and bump. Her sister fell hard to the floor, but did not suffer much damage. Father was busy assessing his daughters' injuries when a large angry face appeared in the window on Father's side of the truck. The man jerked the door open, letting into the warm interior of the truck the stench of an afternoon spent in the bar drinking whiskey. The angry white man pulled Father from the truck and hit him in the face with his fist, yelling, "You damn stinking Indian! Look what you did to my new car!" Father had spent all of his life as an outdoors man and the furious white man was getting the worst of the fight that followed, when a number of other men from the bar came out and joined their drunk friend in the battle. The next thing Sissy saw of her father was two policemen hauling him to their patrol car to take him to jail. Sissy's older brother managed to get the old truck off the street and to get the children to the home of a family friend. Father spent two weeks in jail and paid a large fine.

It is now 40 years later, but Sissy still remembers.

LESSON #2

Materials Needed

Narrative #2

CRP (If possible)

Time Needed

One class period

Procedure

1. Review the concepts of "relocation" and "trust lands." (See glossary)

2. Considering that this is the first time Sissy and family have lived off the reservation, discuss how the various family members may have felt seeing so many African Americans at one time and in one place for the first time.

3. The family made many friends in the black projects in a short time. Discuss if this came about because the family members were simply able to make friends easily, or if they may have felt a kinship to the African Americans because of race.

4. (Suggest use of a CRP for this activity, preferably a law enforcement officer or probation officer.) Sissy's brothers fell into gang activity right after they moved from an Indian reservation in Montana to a black housing project in Los Angeles. "Take a Stand" on this issue: The "black" neighborhood was a main factor for their involvement <u>because</u> the neighborhood was "black." (Find instruction for "Take a Stand" in the lesson titled, "Where Do We Draw the Line?")

5. Discuss the following questions:

   a. The U.S. government had relocated Sissy's family. Do you think the government was aware that they were placing the family in a high crime area?

   b. Sissy's family was obviously naive about life off the reservation, having never traveled much or seen television. Do you think the government acted responsibly in its handling of the family?

   c. When James witnessed the murder of his fellow gang member, do you think his father acted responsibly as a citizen and as a parent, based on his prior experience with the law?

SISSY: NARRATIVE #2

A few years after the arrest of Sissy's father, when Sissy was ten years old, Father decided that he would like to try the relocation program the government was offering to Indians on the reservations. Relocation was a government concept of getting Indians off the reservations to mainstream them into white society. Father had grown tired of working his land which was held in trust by the U.S. government and of having to give everything he made back to the government. Father also felt that his children should learn more about life off the reservation as times were changing so fast.

Sissy and her family were relocated to Los Angeles, California. Sissy had never seen an African American (at that time, in the late 1950s called Colored). As the government car slowly drove through the black housing projects of Pico Gardens, Sissy and her family stared out the windows in both awe and fright at the black faces staring back at them.

Many months later, Sissy and her family had made many friends in the projects. Unfortunately, Sissy's brothers did not have it as easy. Yes, they had friends, but they were now members of a local gang. Sissy's brothers were now wearing their hair in greasy ducktails, swaggering around in leather jackets and listening to rock and roll. Two thousand miles from Fort Belknap, Montana, a million miles from home.

Mother and Father worried about their sons and wondered what would become of their daughters in such an environment as they grew up. They couldn't understand what was happening to their family.

One night, Sissy's brother James ran into the house, wild-eyed and out of breath. He was very frightened. He told Father that he had just witnessed members of a rival gang beat a black friend of his to death with bicycle chains. They would have killed him, too, except James, who was strong and fast, managed to get away.

Mother and Father knew that James had a responsibility to go to the police, but Father also felt that he had a responsibility to protect his family. They decided that James would return to relatives in Montana that night.

LESSON #3

Materials Needed

Narrative #3

CRP (if possible)

Time Needed

One class period

Procedure

1. With the help of a CRP (suggest a counselor or probation officer), discuss the following questions:

   a. Sissy's family had always been close and loving, and had always supported each other. How do you think the divorce shaped the family dynamics and attitudes toward authority and loyalty?

   b. Many marriages fail due to outside stresses and circumstances. Do you know of anyone whose life was drastically changed due to family breakups? Have you observed young people acting-out, such as showing defiance within the family or breaking laws?

   c. If a divorce cannot be avoided, can parents take steps to help make the divorce easier on the children? How?

   d. Did Sissy's family show any understanding about why she was suddenly rebelling, or do you think they placed the whole blame on her? Explain.

2. After Sissy was placed on probation, she seemed to have settled down and behaved herself while living with her grandmother on the reservation. Does this mean that she is no longer upset about what happened to her and to her family? Instruct each student to "become Sissy" and write an entry for Sissy's diary explaining her feelings and reasons. Share these on a voluntary basis.

SISSY: NARRATIVE #3

Over the years, Sissy's family had gone through many changes and a lot of turmoil. It seemed her world was changing too fast. Sissy was now 14, and her beloved parents had decided to divorce. The family had returned to Fort Belknap a few years before and now Mother decided to get a job in town, so she took Sissy and the rest of the family with her. Father moved to another part of the state.

Hurt and confusion became a daily reality to Sissy. Things she thought she could always count on, such as family love and stability, seemed to be slipping away. Before the split of her parents, Father and Mother appeared to spend all their time together fighting. The children felt like they had to take sides. Sissy was too young and inexperienced to realize at the time that life had been tremendously hard on both her mother and father and that they desperately needed a change. Hurt, angry and confused, Sissy started to act-out.

It started slowly with a truancy. The day was warm and still. Sissy and her friends did not feel like wasting one of the remaining days of fall on school. They all met in the park and then drove to a ranch about 40 miles from town. An older friend of theirs had managed to buy a few cases of beer and some whiskey. At first the day was fun—drinking cold beer, singing loudly with the Beatles on the radio, and dancing in the dirt road. As the day grew into evening, the beer started to run out. Sissy was secretly worried about facing her mother. To push these thoughts from her mind, she started to drink the whiskey. She became very drunk, and on the long ride home she became sick. Her friends pulled off the highway so Sissy could get out. About this time a Highway Patrolman stopped to see if they were having car trouble. When the officer saw that he was dealing with a car full of drunk teenagers, he radioed to town for help. Soon, two sheriff's cars were there to help take the kids to jail.

At the jail, all the parents were notified about the arrests and they had to come to the sheriff's office to get their children. When Sissy's mother came to get her, she knew she was in big trouble. This caused her to feel even sicker than before, yet, somewhere inside her there was a deep feeling of anger and defiance. She felt that nothing her mother could do to her as punishment could hurt her as much as the breakup of her family.

When they got home, Sissy received a spanking from her mother and was grounded for a month. Two days later her mother and the rest of the family were still not talking to her. Sissy told herself that they really did not care for her, and that is when she made up her mind to run away. But, since Sissy really did not have too many places to run to, she was found in a couple of days.

Mother, of course, was worried about Sissy's rebellion and sent her to live with her grandmother on the reservation. Sissy accepted this decision with mixed feelings. On one hand, she knew and liked everyone on the reservation and felt at home there, even though there was not much for teenagers to do there. On the other hand, was this just another way to further split up the family? Were they trying to get rid of her? Well, if that was the case, she would not make it easy on them. Sissy did not want to leave her boyfriend and friends anyway. So she and her friends all got together and talked about many plans. They all thought that Sissy's parents were mean and unfair. Sissy ran away again, this time managing to stay away for a couple of weeks because she had a friend to help hide her and to make sure she had food and clothes.

Sissy was finally found by the police as she was wandering around the streets looking for a place to stay. She was again taken into custody by the police and eventually went home to her family. But this time, Sissy was placed on probation by the courts.

Sissy did go live with her grandmother on the reservation. For the first few months her friends from town kept in touch, coming to see her from time to time. Sissy's mother and father never did reconcile, and her brothers continued to have scrapes with the law. But for the time being, Sissy settled down and tried to make sense of what had happened to her life.

LESSON #4

Material Needed

Narrative #4

CRP (if possible)

Time Needed

One class period

Procedure

1. Discuss how meeting her mother's new boyfriend threw Sissy off course again.

2. Sissy and her family were shuffled quite suddenly into a variety of lifestyles, from the familiar and traditional reservation to an unfamiliar inner city high crime area to a high-living, undisciplined environment in a strange city, then back to the reservation. After all that, do you believe her problems were inevitable? Discuss. (This is an effective place to use a CRP. A counselor or judge can participate in this discussion and can offer several suggestions of agencies on and off the reservation and in almost any area of the country where a troubled youth can go to find help.)

SISSY: NARRATIVE #4

The year was now 1969, Sissy had just turned 16 years old. She had been living with her grandmother on the reservation for well over a year. One day Mother came out to visit and with her was a man Sissy had never met before. Mother introduced this stranger as her boyfriend. Of all the things Sissy had imagined that might happen to her parents, never had she thought that either of them would ever have another partner. Sissy was appalled and shocked to think of her parents in this new way. Shock replaced shock when Mother also announced that she and her new friend had plans to move with the entire family to Seattle because there was a lot of work opening up there with Boeing getting a large contract for airplanes. Sissy was afraid to move to this strange new place and was even more afraid to have to go with Mother's new boyfriend, whom Sissy had hated with all her heart as soon as she heard about their relationship. Mother made it clear that Sissy would not have any say in the matter and that they would be moving in a few days.

By Christmas time, Sissy's older brothers and sisters were also living nearby in Seattle with their own families. Everyone had new jobs and life had settled down to a sort of routine. There was much shopping and drinking on weekends. Everyone was making a lot of money. This fast and unrestrained lifestyle soon started to take its toll on members of the family. Husbands and wives were always fighting, Mother and her boyfriend had split up and Mother was seeing a different man.

With everyone so busy with their new jobs and their new lives, there did not seem to be much discipline for Sissy and her younger sisters and brother. Soon they were running all over the city, skipping school at every opportunity and partying. They were becoming adapt at covering up for each other and nobody ever really bothered to check up on them too closely. They soon became fascinated with the hippy movement that was so prevalent in downtown Seattle. After some time, they did not bother to try to hide what they were doing from their family. If an objection was raised as to what they were doing, they would simply disappear for a few days downtown. With their new friends and new way of life, it was easy to find a place to stay.

Soon the youngest brother was gone for longer and longer periods of time. Sissy heard from her friends on the street that he was making trips from Seattle to Los Angeles and bringing in drugs for sale and for his own use. Sissy had started experimenting with marijuana and LSD and enjoyed getting high, but still, somewhere inside her, she felt anxious and concerned about her little brother's activities. One time he was gone for over three months and everyone was worried sick. They went to the police to get help, but at that time kids by the thousands were running away all over America, and there was no way the police could find them all. One day he just returned as if he had never been away. They simply found him asleep in his bed one morning. He had been so stoned for so long that he seemed to have lost track of time.

Other things were happening in the family. Two of Sissy's little sisters were pregnant and unmarried. One of her brothers had lost his first wife and children and had another woman living with him who was also pregnant. Another brother's family was barely staying together. Sissy and her youngest brother were deeply dependent on drugs and alcohol. They were into shoplifting and burglary to support their habits. It seemed that life could not get much more messed up for the family, which was once so close and loving, which had followed the time-honored traditions of their Native American heritage with such pride.

Three years passed. One day Sissy was found on the street barely alive from a drug overdose. She was admitted to the hospital and when she was better, she stayed in the hospital for treatment of her drug and alcohol dependency. Father had come to Seattle and it was decided that the girls would return home with him. Soon other members of the family returned home. Life for the family was not as dysfunctional as it had been in the city. Sissy returned to school and was able to graduate. It took many more years for the rest of her brothers and sisters to get their lives in order, but eventually they all did to some degree. There is still much alcoholism in the family, and Sissy's youngest brother will still smoke marijuana when he gets the chance.

Sissy's own life is better now, but she still remembers.

GAMBLING ON MONTANA RESERVATIONS

Introduction

The following lesson is based on the ever present battle between the state of Montana and the Confederated Salish and Kootenai Tribes over gaming on the reservation. The students will be given information on the issues through lectures and handouts and will be asked to come up with a ruling of their own. Teachers are encouraged to adapt this lesson to the nearest reservation, as the problems encountered are similar. Local newspapers and tribal offices can provide resources.

ILRE Themes

Responsibility, Authority, Privacy, Justice

Concepts

Jurisdiction, conflict resolution, sovereignty, gaming laws, equity, taxation, negotiation

Social Studies Themes

Tradition and Change, Social Contracts, Political/Economic, Space/Place/Movement, Interdependence

Grade Levels

9 - 12

Objectives

- To understand the issues of jurisdiction and sovereignty on American Indian reservations;
- To explore the nature of conflicts between states and Indian tribes;
- To develop the art of compromise for conflict resolution;
- To understand the role the federal government plays in solving disputes between states and the Indian reservations within those states;
- To learn the process of reviewing a case before an appellate court.

Time Needed

Three class periods

Materials Needed

Attached article Lake County Leader, April, 1993

Attached article Lake County Leader, July 29, 1993

Attached article Lake County Leader, August 12, 1993

Tribal Government Today: Politics on Montana Indian Reservations

Indian Gaming Regulatory Act of 1988

CRP (suggest an attorney familiar with appellate court procedures, a tribal attorney, a judge)

Background Information

A disagreement over the share of the profits made from gaming on the Flathead Indian Reservation began as early as 1991. Attorneys for the tribe and the state have sat down at the bargaining table for many long sessions, but have had little or no success getting the situation resolved.

In 1993, due to lack of success in negotiating an equitable settlement with the state, the Confederated Salish and Kootenai Tribes filed a federal lawsuit against the State of Montana and the Attorney General's office.

The issue seems to have two main points of contention. The first involves the jurisdiction of the gambling on the reservation, especially in businesses owned by non-Indians. The second issue deals with revenue gained by gambling on the reservation. The tribes and the state both feel they should have the larger piece of the whole revenue pot.

The impact of the disagreement has been felt reservation wide. Both non-Indian and Indian business owners are losing a large source of revenue due to the inability to resolve the issue. Some businesses have had to close and others are being forced to contemplate closure due to loss of business because gaming machines have been removed from their establishments.

Procedure

1. Introduce the lesson by first talking about the issue of gambling on Montana reservations. Ask the students questions on the topic to get a feel for their previous knowledge of the conflict. You may wish to talk to them about the fact that gaming on Indian reservations is the new economic livelihood for entire tribes in states such as Wisconsin.

2. Hand out articles on the gaming talks between the State of Montana and the tribes of the Flathead reservation, and the articles on the case filed with the U.S. Supreme Court by the tribe. Allow time for students to read.

3. Divide the class into three groups. One will serve as a tribal legal team, the second will serve as a legal team for the State of Montana, and the third group will serve as the U.S. Supreme Court. Depending on class size, you may wish to make the court group larger.

4. Groups for the two sides will begin working on their cases. The Supreme Court group will begin looking into such materials as Tribal Government Today to find the ins and outs of sovereignty and jurisdictional disputes. They should at this time formulate a group of questions they want answered by each side if the oral arguments don't bring this forth. This is a good time to use the CRP to help each group define its task, understand its role and the appellate court procedures, and frame its remarks to anticipate the justices' questions.

5. The hearing section of the exercise will begin with a presentation by the State of Montana, followed by the tribe. No questions will be allowed by the opposing side, much as it is in an appellate court case. Depending on the length of the class period, be sure each group is aware of the time limit for its presentation.

6. Following the presentations, the justices will begin working on their decision, preferably in another room if the school setting allows it. (Some teachers prefer to have the deliberations take place in front of the rest of the class, so they experience that portion of the process.)

7. Upon reaching a decision the court will present it to the class. Discussion of the resulting decision will follow, and further discussion of the entire gaming issue will take place. (This is another place to use the CRP, as they will have expertise to help evaluate the validity of the points discussed and the procedures used.)

Debrief

Students should discuss such questions as: What did each side need to know before it could effectively argue its case? What did the justices need to know before they could hear the case and render a decision? How was the decision reached (i.e. by consensus, compromise, majority, etc.)? What are some of the positive and negative effects of gaming on tribal as well as non-tribal people? Will the positives of tribal income or even state income outweigh the negative societal effects?

✹ INDIAN CULTURAL PRESERVATION (vs ASSIMILATION) ✹

Historically, Indians have been allowed to occupy lands until economic and/or political requisition is mandated.
—American Indian Digest:
Facts About Today's American Indians,
1995 ed. Thunderbird Enterprises, Phoenix, AZ

Introduction

This lesson focuses on the never ending debate over what is more important to American Indians, molding into the white society or maintaining their own tribe's cultural heritage. It allows students to deal with a cultural question that may not have a right or wrong answer. It also allows non-Indian students to see the day-to-day conflict all American Indians have to deal with when trying to fulfill a life in the United States as an Indian.

ILRE Themes

Responsibility, Authority, Privacy, Justice, Spirituality, Environment

Concepts

Cultural heritage, assimilation, racism, poverty, cultural preservation, melting pot, mixing bowl, community/self

Social Studies Themes

Cultural Heritage, Social History, Tradition and Change, Social Contracts, Citizenship, Interdependence

Grade Levels

9 - 12

Objectives

- To enhance the understanding of the concepts of assimilation and cultural heritage;
- To explore the reasons why many Americans feel that assimilation is the way to solve such issues as poverty and racism toward Indians;
- To experience the hearing process as a means of effecting change as a citizen;
- To practice considering multiple viewpoints, solutions, and ramifications of an issue to find a solution;
- To become familiar with the concepts of "melting pot" and "salad bowl" in the discussions involving assimilation or cultural preservation.

Time Needed

Two class periods

Materials Needed

- CRP(s) who has knowledge of efforts to improve understanding of tribal customs and heritage within the tribe
- Indian Education Act of 1972
- Indian Civil Rights Act of 1968
- Indian Reorganization Act of 1934
- The instructor may wish to give a handout or explain the system of mission schools and boarding schools.

NOTE: The above materials can be found in some form in the Appendices or Companion Pieces.

Procedure

1. Begin with an introduction and brief history of American Indians in the 20th Century. This can be a teacher-led introduction or can take the form of handouts or readings.
2. If possible, bring a CRP from tribal government or an elder to explain what efforts are being made to maintain the cultural heritage of Native Americans and, specifically, of their immediate tribe.
3. Divide the class into three groups. One of the groups will develop and present its case for assimilation of Native Americans. A second team will develop and present its case on the importance of cultural heritage for Native Americans. The third team will serve as a panel, hearing the arguments of the two sides and offering its own recommendation. The panel should pose questions and try to draw as much information as possible from the two groups. If the class contains Indians and non-Indians, make sure there is a nice mixture of the students across all three groups.
4. Each side will present its case to the panel while fielding questions from the other group and the panel. Be sure to set a time limit for each presentation and to fit your class schedule.
5. The panel, upon hearing the arguments of both sides, takes the facts into consideration and offers a recommendation.

Debrief

Instruct each student to write a list of what they thought were the strongest points made by each side during the hearing, whether they agree with them or not, followed by stating what recommendation they personally would have made.

Extension Activity

Turn the tables on the class by repeating the lesson, but this time take the approach that the European-descended white people were here first, and the Indian people prevailed and wished to assimilate the whites into the Indian culture and society.

NEGOTIATING A TREATY

Introduction

You and your class have just completed a unit dealing with the conflicts between Indians and whites in the Indian Wars of the late 1800s. It is now time for your class to be divided into two groups to experience just how tough it was to negotiate a treaty with two groups of people so different in culture. Taking into account these differences and using the knowledge your class now has about the events across the United States following the Civil War, have them negotiate a treaty for the movement of Indians onto a reservation.

ILRE Themes

Responsibility, Authority, Privacy, Justice, Spirituality, Environment

Concepts

Restitution, negotiation, treaty, sovereignty

Social Studies Themes

Cultural Heritage, Social History, Tradition and Change, Social Contracts, Citizenship, Political/Economic, Global Perspective, Interdependence

Grade Levels

9 - 12

Objectives

- To explore the wide range of issues that had to be considered for negotiations to be successful;
- To understand the severe disadvantage the Indian nations held during negotiations;
- To participate in the negotiation process.

Time Needed

Two class periods

Materials Needed

Hellgate Treaty of 1855

Blackfoot Treaty of 1855

Ft. Laramie Treaty of 1851

CRP (suggest a trained mediator or mediation attorney)

NOTE: The lesson is most effective if at least one of these treaties is made available to students or a lesson on them is presented.

Procedure

1. Following a unit on the Indian Wars, give a handout or a short presentation on the problems the Indians faced with treaties negotiated with and, at times, forced upon them. If your unit on the Indian Wars is thorough enough, you may be able to skip this step.

2. Divide the class into two equal sides. If you have Native American students mixed with students of other ethnic backgrounds, be sure they are evenly divided on both sides.

3. The group representing the American Indian side should prepare its arguments on the premises that they:

   a) Don't want to go onto the reservation;

   b) Want some form of restitution for the loss of land and culture;

   c) Need to be provided with relief since their lifestyle can't be maintained on a limited piece of land.

4. The group representing the federal government needs to justify its treatment of the tribe in question. As a bargaining strategy they need to have some built-in incentives that may coerce the tribe into accepting the reservation with less negotiation.

5. After preparing their cases, they will next meet at a bargaining table and commence with negotiations. The CRP (or the teacher) will act as a mediator to guide negotiations in a positive manner.

6. If a settlement cannot be reached, the teacher needs to establish a suitable time to break off negotiations.

Debrief

Discuss the following questions:

Are the negotiated provisions realistic? (assuming a settlement was reached)

In what ways do you think a settlement could have been reached? (assuming negotiations were broken off)

If you were asked to be a real negotiator for a special group, what kinds of things would you do to prepare?

Extension Activity

As a way to make the lesson even more valuable, the teacher can provide the students with background information about the Hellgate Treaty of 1855, and the Blackfoot Treaty of 1855 or any other treaty involving Indian tribes of Montana. With the above materials, you may wish to have the students re-enact the negotiations of an actual treaty rather than a mock treaty. If so, their task may be to negotiate a better settlement than the original.

REVIEW OF MONTANA American INDIAN CONSTITUTIONS

Introduction

This lesson involves the in-depth study of the constitutions of Montana Indian Reservations. The students will review the different constitutions and try to make judgments on the quality of the documents for their people and whether they contain components that are desired in a sound constitution.

ILRE Themes

Responsibility, Authority, Privacy, Justice

Concepts

Constitutional principles, sovereignty, intergovernment relations

Social Studies Themes

Social History, Social Contracts, Citizenship, Political/Economic, Interdependence

Grade Level

9 - 12 (Best suited for juniors or seniors in courses on civics and government)

Objectives

- To develop an understanding of the basic constitutional principles;
- To explore the relationship between the tribes on the reservations and the federal and state governments;
- To analyze the constitutions and make decisions on the quality of the documents for the people they are written to serve;
- To suggest changes in the constitution and/or the government structure of the tribes to improve tribal government, life for tribal peoples, and relationships with non-Indians.

Time Needed

Four or five class periods

Materials Needed

- Copies of each of the seven tribal constitutions of the Montana reservations
- Copies of the U.S. and Montana State Constitutions
- Copies of books such as Tribal Government Today: Politics on Montana Indian Reservations

Procedure

1. Teach or at least review a unit on basic constitutional principles. Ask students to explain concepts like checks and balances, separation of powers, sovereignty, and federalism.

2. Give students a handout or an oral overview of when and how the tribal constitutions for Montana tribes came about.

3. Divide class into 7 groups of three or four if possible. The best alternative is to have fewer groups if the class is smaller, and omit the review of one of the constitutions.

4. Hand out a copy of a tribal constitution to each group. They should begin their review of the document. Distribute the handout explaining the items to look for including:

   a) Relationship with federal and state government

   b) Basics of constitutional law—checks and balances, separation of powers, popular sovereignty, basic government operations, etc.

5. On the handout (part 4) the students should report on each of those items and also on three items they found to be interesting or unusual. Then, as the main portion of their report, ask them to find one major component of the document they would change in order to improve the constitution.

6. Students report. Students from each group should do their entire report rather than breaking the reports into topical groupings. Other students should be asked to raise questions and then verbally critique the major improvement. This, when done by senior-level high school students, will take two class periods.

Debrief

Discuss what students learned about the document's common components, strengths, and weaknesses. Ask the students what ways they would improve the presentation of this lesson.

✹ THE PLACE OF FALLING WATERS unit ✹

Introduction

This unit for high school students explores in depth the history of Kerr Dam, the conflicts and events before and during its construction, and the ramifications of its presence for Indian and non-Indian. Produced by Indians and presented from an Indian perspective, the video series used in the lesson examine the many laws involved, as well as the economic, political, social, and spiritual effects resulting from the building of the dam.

ILRE Themes

Responsibility, Authority, Privacy, Justice, Spirituality, Environment

Concepts

Culture clash, allotment, sovereignty, private ownership, communal (tribal) ownership, concessions, negotiation

Social Studies Themes

Cultural Heritage, Social History, Tradition and Change, Social Contracts, Political/Economic, Technology, Space/Place/Movement, Interdependence

Grade Levels

9 - 12 (Best suited for 10 - 12)

Objectives

- To explore the cultural, political and economic conflicts that arose as a result of the construction of Kerr Dam on the Confederated Salish and Kootenai Reservation;
- To connect issues, events and perspectives concerning Kerr Dam for better understanding of its impact;
- To examine ways in which American Indians' culture as well as white European culture shaped Montana's history;
- To enhance skills of listening, information feedback, critical thinking, group interaction, and interaction with the physical environment.

Time Needed

6 - 10 class periods, depending on depth of coverage

Materials Needed

VCR and monitor

CRPs (suggest tribal leaders, attorney familiar with issues of sovereignty, environmental expert)

Transportation (if a field trip is possible)

"Take a Stand" signs (see "Where Do We Draw the Line" lesson for instructions)

Procedure

Unlike most of the lessons in the guide, this unit does not specify any particular activities. However, for the lessons to be effective, participatory activities are vital. Teachers may select from such activities as, "Take a Stand," mock public hearings, straw voting, debates, lobbying, panel discussions, interviews of tribal/government/utility officials or private citizens, field trips, comparisons with other current spiritual/political/economic issues, etc.

Also important is the use of CRPs. A host of possibilities exists to make selecting and using CRPs successful. Their contributions will be most valuable if they participate with the students rather than lecture to them.

Debrief

"Take a Stand" on this statement: The ownership, operation, and revenue of Kerr Dam should be turned over completely to the Confederated Salish and Kootenai Tribes. (Be sure to require students to share the reasons for their stands. Also, this could be done in written form.)

Filmstrip Series Presentation: Media Materials

The Place of Falling Waters

This unit is based on three 30-minute videos which consist of Part One: Before the Dam; Part Two: The Road to the Dam; Part Three: The Dam and the Future. The video series presents an historical overview of past, present, and future of Kerr Dam which was built in the 1930s on the Confederated Salish and Kootenai Reservation in Montana.

Part One: Before the Dam: This part discusses the history of the construction of Kerr Dam as it touches upon the cultural and political conflicts among the tribes and non-Indians.

Part Two: The Road to the Dam: This is an historical presentation which follows the time of the Allotment Act through the completion of the Kerr Dam in 1938. Themes in this segment focus on the cultural conflicts resulting from the construction of the dam. One underlying problem facing the Indian people was whether to accept employment in building the dam, poverty being a factor which plagued so many Indian people during this specific time in history.

Part Three: The Dam and the Future: This portion is an historical overview that draws upon the questions in retrospect to the agreement in which Montana Power Company (MPC) was granted control of Kerr Dam for 30 years or until 2015. The MPC is obligated to pay to the Salish and Kootenai an annual "rental fee" of $9,000,000 with adjustments made on an annual basis for the cost of living. In 2015, the tribes have the option to take direct control. Presently, Kerr Dam's net profits are estimated at $50,000,000.

Parts One and Two: The Place of Falling Waters Depicts how the economy and culture have conflicted with sovereignty of the tribes and the traditional way of Indian life. Tribal opposition is steeped in the concepts of two diverse ideologies, those of **capitalism** and **tribalism**. The Allotment Act interfered with the tribal concepts of **communal and tribal ownership** of land. The **Allotment Act** also instilled the concepts of private ownership and competition.

Part Three: The Place of Falling Waters: Draws our thoughts to the future. The tribal leaders' and tribal members' **visions** are interwoven, yet their prevalent views are clearly presented and are interjected with views of the dominant society, for those who believe that tribalism is a concept that has passed through time. However, there are those whose visions of the future see before them native languages revitalized, in which the concept of tribal communal economy is restored.

Video Excerpt/Unit Plan

The purpose of this unit, The Place of Falling Waters, is to present to the students an historical overview of both the cultural and political concerns among the Salish, Pend d'Oreille, and Kootenai tribes as a result of the construction of Kerr Dam.

This unit presentation incorporates the use of the video series, The Place of Falling Waters, a film series developed by Roy Big Crane and Thompson Smith in 1991.

The excerpt from the tape describes The Place of Falling Waters as:

...a Native American produced documentary history of the Flathead Indian Reservation from the perspective of the Indian people who live there. The story relates the complex and volatile relationship between the people of the Confederated Salish and Kootenai Tribes and a major hydro-electric dam situated within the Flathead Indian Reservation.

The documentary is presented in three 30-minute parts: 1) a history of tribal society and culture before the dam's construction; 2) the construction of Kerr Dam in the 1930s and its impact on the reservation; and 3) the hopes and dilemmas of the Salish and Kootenai as they prepare to take over Kerr Dam during the next three decades.

This broadcast quality program combines a powerful mix with interviews with tribal elders, archival newsreel footage of the Flathead Reservation, stunning aerial footage of the region, and some photographs dating to the 19th century.

(Roy Big Crane and Thompson Smith, 1991)

PART ONE: BEFORE THE DAM

1. Hellgate Treaty, 1855
2. Traditional Cultures
    a. Spiritual relationships with the environment
    b. Communal nature of the tribes' economy
    c. The cyclical patterns of food gathering
    d. Values of Salish, Pend d'Oreille, and Kootenai
3. Non-Indian invasion—decline in natural food sources
4. Indians face hostility as they exercised their rights to hunt, fish, and gather outside reservation boundaries (i.e., Swan Lake Massacre)
5. Farming and gardening incorporated in native lifestyles, for survival purposes
6. Jesuit missionaries—cultural and religious indoctrination (1840s) cultural loss impacted by Jesuit policies
7. The Allotment Act
    a. Destroys **communal settlement patterns**
    b. **Cyclical patterns of movemen**t across the land
    c. **Tribal Land Base**
    d. 19th century policy aimed at forcing Indians to relinquish their traditional ways of life
8. Assault on tribes
    a. People never gave up
    b. Never disappeared
    c. Never completely abandoned their cultural traditions
9. Opposing Views
    a. Whites
    b. Indians
    c. U. S. Agents (under Department of War)
10. Opening of the reservation
    a. White settlement onto the reservation
    b. Railroad right of way through the reservation
11. Salish removal from the Bitterroot Valley

PART TWO: THE ROAD TO THE DAM

1. The **Corollary to the Allotment Act**
2. **Flathead Irrigation Project** (Congressman Joseph Dixon)
    a. Transition to farming
    b. Opposition to the Irrigation Project
        1) Harm to pristine creeks of the reservation and abundant fisheries
        2) Opposed non-Indians claiming Eminent Domain over allotment and bisecting them with huge ditches
3. Irrigation Project—who benefits
    a. Due to the Homestead Act, non-Indians "flood" the reservation (1910)
    b. Passage of **Irrigation Bill** (1908)
    c. Irrigation System guarantees successful homestead
    d. Influx of Non-Indians (population changes)
4. Department of Interior—Approval to construct Kerr Dam by MPC to bail out the financially ailing Irrigation Project
5. Allotment Act effects on tribal people
    a. Poverty—dependent on cash for survival
    b. Seek employment
    c. Consumers buy from stores
    d. Alcoholism
    e. Indian people dependent on Bureau of Indian Affairs (BIA)—rations
    f. Diabetes (1938) first case of Indian diabetic due to change in diet
    g. The **Dark Time** (20th Century—1938)
        1) Indian people denying their heritage
        2) Indian people change their names
        3) Indians pass as white
    h. Humor and survival
6. Montana Market Economy—two industrial giants
    a. Anaconda Copper Mining Company
    b. MPC (Rocky Mountain Power Company)

c. Montana Economy and Political Systems

d. RMPC, BIA federal license to build the dam despite opposition from the tribal government

e. John Collier's **American Indian Defense Association** (tribal concessions to gain control of the dam in the 1980s)

7. The Place of Falling Waters

   a. Kootenai sacred place—the falls of Flood River

   b. Implement fishing rights

   c. Employment—200 tribal members take jobs at $.45/hour at time of depression

PART THREE: THE DAM AND THE FUTURE

Tribal control of the dam—What does this resource mean for the Confederated Salish and Kootenai Tribe?

1. Other tribes gain control of resources

   a. Navajo—coal and uranium

   b. Northern Cheyenne and Crow—coal

2. Change as a result of control of a powerful resource—Kerr Dam

   a. Restore tribal sovereignty

      1) tribal economy

      2) buy back tribal lands

   b. Restore political and economic control to the tribes

   c. Restoration of cultural way of life, that of tribalism

✹ Where Do We Draw the Line? (9-12) ✹

Carvings and Graffiti: Vandalism, Art to Tradition?

Introduction

This lesson explores the controversy over whether graffiti on public or private property should be considered a form of art (sometimes with a religious purpose) or a form of vandalism. The U.S. Constitution protects genuine art as free expression, but also protects privacy and property from violation. Through an examination of symbols from several historical periods, various cultures and their own environment, students will practice determining the differences between graffiti art and vandalism. At the same time, they will practice reaching consensus and viewing ideas and events through different perspectives.

ILRE Themes

Authority, Environment, Justice, Responsibility, Environment

Concepts

Vandalism, consensus, tradition, freedom of expression, property rights

Social Studies Themes

Cultural Heritage, Social History, Tradition and Change, Citizenship, Political/Economic, Technology, Interdependence

Grade Levels

9-12 (Adaptations for K-2, 3-5 and 6-8 are also available)

Objectives

- To explore uses of symbols in various societies;
- To learn to differentiate between carving and graffiti-type art (free expression) and vandalism;
- To recognize that responsibilities of citizenship must often take precedence over personal whims;
- To consider appropriate alternatives to vandalism;
- To practice reaching consensus.

Time Needed

Three to five class periods, depending on students' previous knowledge

Materials Needed

- Handout: "Where Do We Draw the Line?"
- Book: And Still the Turtle Watched by Sheila MacGill-Callahan
- Pictures, slides, posters of hieroglyphs, petroglyphs, other symbols from many cultures (crosses, Star of David, swastika, military symbols, school mascots, cave paintings, tipi decorations, business logos, trademarks, etc.)

- CRPs: Suggest an archaeologist to discuss vandalism laws concerning historical sites; tribal historian to discuss tribal symbols; business person to discuss results of vandalism; youth court officer to discuss local laws and probable consequences of breaking them
- Butcher paper, markers and tape
- Four symbol pictures (cut into correct number of puzzle pieces to create four equal groups)
- Four consensus questions
- Take a Stand" signs posted on the wall (signs should say "strongly agree," "agree," "undecided," "disagree," and "strongly disagree")

Procedure

Phase 1

1. Show pictures of cave paintings, petroglyphs, cultural symbols to class, explaining briefly what historians think they meant to the people who used them. Be sure to make the point that symbols are frequently used as a type of code, means of communication or part of a ritual.
2. Write the definition of graffiti on the board. (Graffiti is writing or drawing on a surface such as a wall or a rock.) Ask students to give examples of graffiti that they've seen. What kind of carved graffiti have they seen? List these examples on a piece of butcher paper. Then write the definition of vandalism on the board. (Vandalism is destroying or ruining the appearance of public or private property.) Ask the students which of their examples might be considered vandalism. Circle those. Discuss as a group why they chose those examples as vandalism. Keep the lists for a later activity.
3. Stress that, while vandalism is against the law, and graffiti can be one kind of vandalism, graffiti can also be considered a kind of folk art. Some communities set aside fences or walls for "legal graffiti," and some hire artists to draw, paint or carve murals or symbols on certain properties. Because these artists have permission, the graffiti they put on these surfaces is not illegal. What types of "legal graffiti" have your students seen? (Magazines such as Smithsonian, Native Americans, Architecture Digest, National Geographic often have pictures about mural, symbolic and "graffiti" art.)
4. Divide the class into four groups by handing each student a puzzle piece and instructing them to find the other people who can make their symbol complete. NOTE: Be sure to have exactly the right number of pieces to complete all puzzles and include all students. In case of absences, be prepared by having extra puzzles cut into 3, 4 or 5 pieces, or you can fill in the missing piece.
5. Give each group a consensus question. Tell them they must reach consensus on their question and be prepared to report back to the entire class. Allow 10 minutes for reaching consensus. (Be sure your class understands that consensus means everybody: **majority** is different—it means "one more than half.") Remind them that consensus does not necessarily mean they all feel strongly in agreement, but that they have reached a compromise that they can all live with.

6. Have each group report to the class. Discuss the reasons why they think the answers were different and/or similar. What attitudes or thoughts about the school would each group of people have had (i.e., the students, faculty, parents, students of the rival school)?

Debrief

What did the students think about the decisions made in the last activity? Would they find any of the graffiti to be rude or distasteful? Which ones and why?

Phase 2

1. Review the definitions of "graffiti" and "vandalism."

2. Read aloud the book And Still the Turtle Watches by Sheila MacGill-Callahan without showing the pictures. Be sure to practice so you can almost tell the story! (If you feel your students won't appreciate having a juvenile book read to them, set up Extension Activity #5 below for them to do after they "practice" with this lesson.)

3. Hand out "Where Do We Draw the Line?" Read the instructions and questions aloud so all students understand them. Instruct students to individually answer questions as you read the story again, this time showing the pictures. Allow time to finish the questions after you end the story.

4. This is a good place to use a CRP to help students evaluate their answers to the questions and to present other perspectives, viewpoints and legal issues.

5. If a CRP is not available or after the CRP is gone, have students "Take a Stand" on this statement: "Students should be allowed to carve or permanently mark their names on their desks, chairs, and books." Have them write their choice on a slip of paper, fold it, place it in a basket. Then have each student draw a slip and stand in front of the sign indicated on the slip. (Or dispense with the slips and have each student take his/her own stand.) They need to have thought about all sides of the issue, because now they must say why they think the person whose slip they drew answered as they did. The groups under the signs, if in lines, should form a human graph. To show how people's opinions can change when they hear different perspectives, give them the following directions: "Now that you've heard other sides of the issue, reconsider your own stand. Move to the sign which corresponds to the stand you would now take."

Debrief

Ask the students if they now consider the acts listed in the "Take a Stand" question as vandalism and, if so, what can be done about it. Remind them that in public schools, tax dollars pay for the equipment and for repairs, so the law considers desks, chairs and books as public property. What might be considered "legal graffiti" in a school?

Would the early Delaware have considered the turtle carving to be vandalism? Why/why not? Why do we now have laws to keep us from vandalizing things? Referring to their original list of vandalism/graffiti, what would they change or add? Do you think modern Delaware people care about what happened to the turtle carving? Why?

Extension Activities

1. Referring to And Still the Turtle Watches, divide the class into three groups for an "adversary approach" activity. One group represents the Delaware Tribe who want the turtle rock returned to the tribe; another group represents the botanical gardens where the rock is now displayed; the third group are judges who must decide the issue of who gets the turtle rock. (See the instructions for "Adversary Approach" in Appendix.)

2. Using what students have learned about symbols, have them individually or in groups develop a code using symbols. Then have them compose a sentence, put it into code, and swap sentences with another student or group who will attempt to decode and translate the sentence. To make it easier, require all sentences to include the same key work, such as "the" or "so" or "many."

3. Using some of the questions from the"Where Do We Draw the Line?" worksheet, have students "Take a Stand." When students are in their respective lines, they should share their three reasons for their stand. One person in each group ("agree," "disagree," etc.) should act as the spokesperson to persuade other individuals to change their stand. As students do change their stand, they move to the line that reflects their new choice, and they may share their reasons for changing. Be sure students watch the "graph" to see how opinions change and sometimes, how minorities can become majorities when they listen to different viewpoints on the same issue.

4. Have the class design a mural using symbols. Then have them choose a delegation to request permission from the administration to either recreate the mural on the sidewalk with chalk or on the snow with spray bottles filled with water and food coloring. If you're very persuasive, you might be allowed to paint the mural on a prominent wall of the school. You might want to enlist the help of the art teacher, and don't forget to have the students dress in old clothes for the project if it's approved! This becomes legal graffiti.

5. Have a group of students present this lesson (see its variation elsewhere in this guide) to a primary class.

Where Do We Draw the Line?

In the story And Still the Turtle Watched by Sheila MacGill-Callahan, at least five human-caused changes are made to a large rock. Where do we draw the line between which should be considered vandalism and which should not?

For each question below, take a stand by circling your level of agreement or disagreement. Then briefly state three reasons to support each stand.

1. The old man's carving of the turtle should be considered vandalism of public property.

Strongly agree Agree Undecided Disagree Strongly disagree

Reasons:

1._____
2._____
3._____

2. The loggers' harvesting of the surrounding forests should be considered vandalism.

Strongly agree Agree Undecided Disagree Strongly disagree

Reasons:

1._____
2._____
3._____

3. The boys' painting of graffiti on the turtle rock should be considered vandalism.

Strongly agree Agree Undecided Disagree Strongly disagree

Reasons

1._____
2._____
3._____

What's Your Opinion? Where to you think turtle rock should have been placed? Why?

_____
_____
_____
_____

Consensus Questions

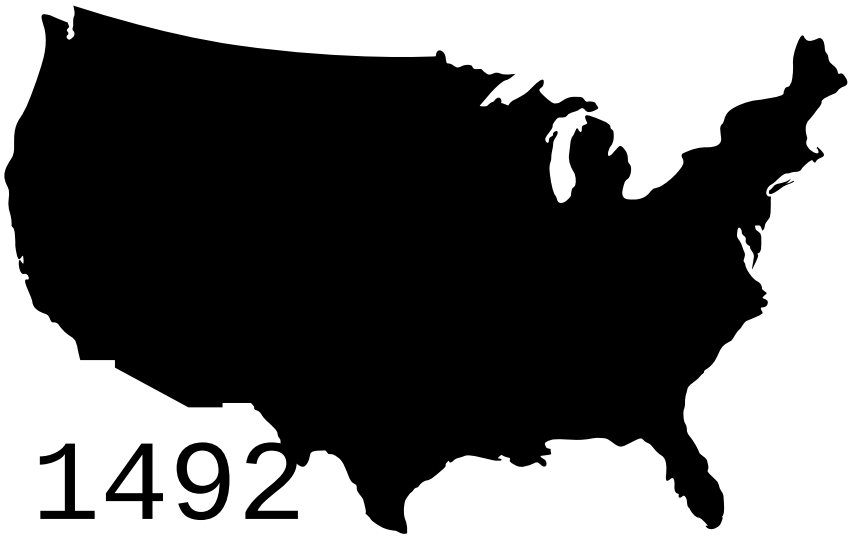
1. The students in your group have been asked to create and decide on either three symbols or three scenes of activity to be included in a graffiti mural depicting the people and culture of your school. You need to create several ideas and come to a consensus on three.

2. The faculty in your school has been asked to create and decide on either three symbols or three scenes of activity to be included in a graffiti mural depicting the people and culture of your school. Pretend you are the faculty and create several ideas, then come to a consensus on three.

3. A group of parents in your school has been asked to create and decide on either three symbols or three scenes of activity to be included in a graffiti mural depicting the people and culture of your school. Pretend you are that group of parents, create several ideas, then come to a consensus on three.

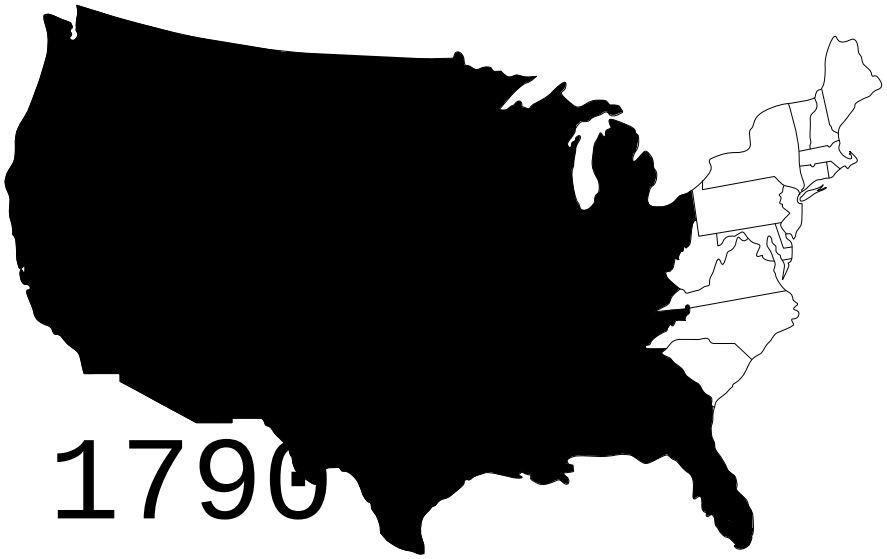
4. A group of students in a rival school has been asked to create and decide on either three symbols or three scenes of activity to be included in a graffiti mural depicting the people and culture of your school. Pretend you are that group of students, create several ideas, then come to a consensus on three.

Reference Maps

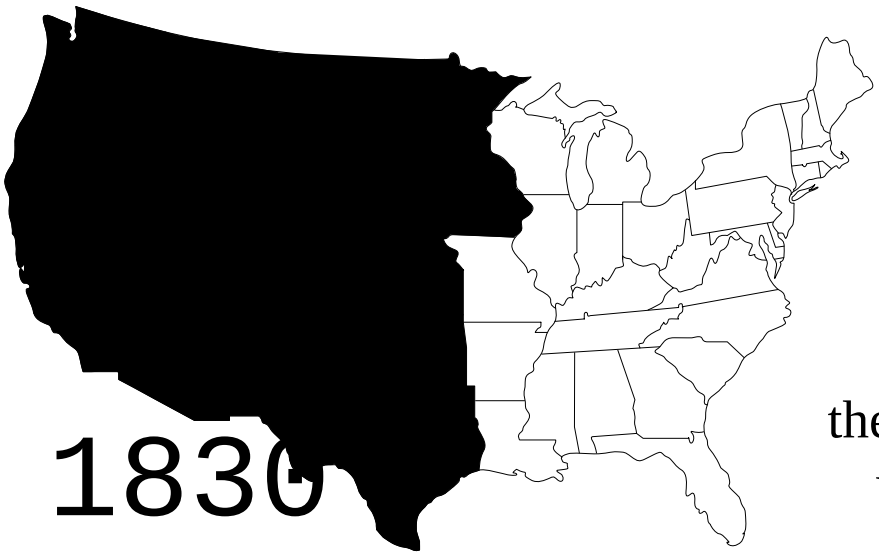


1492

By 1790, the population of the United States was 4 million.

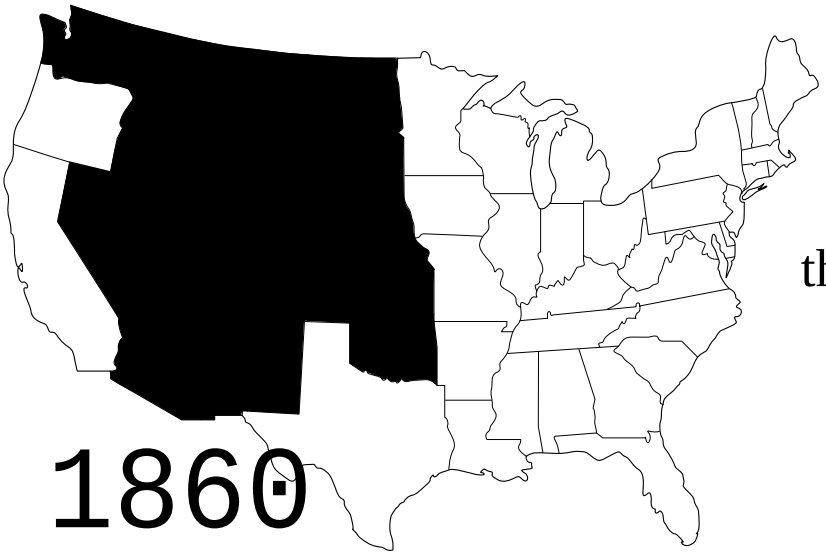


1790



1830

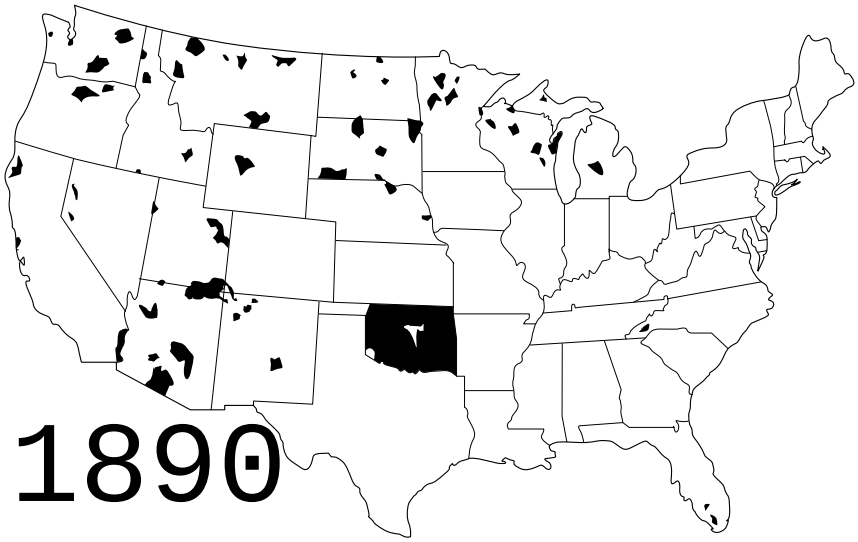
By 1829, the population of the United States was 12.5 million.



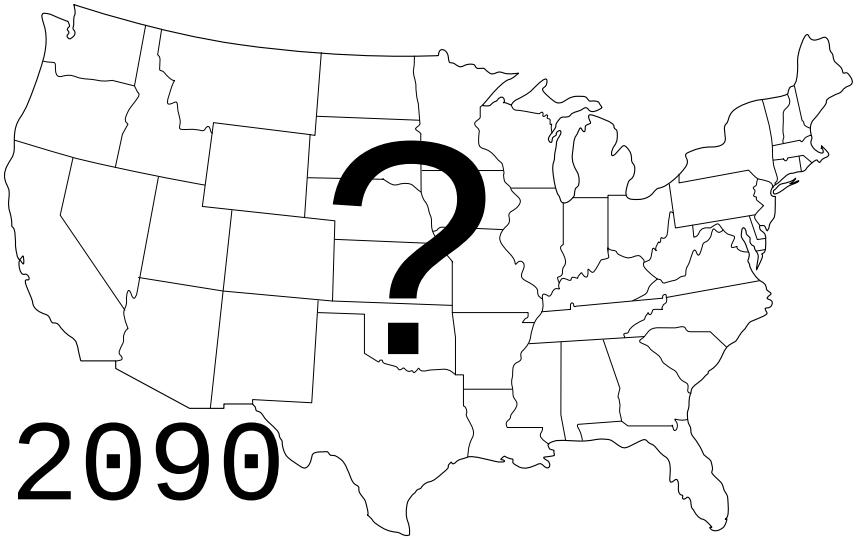
1860

By 1860, the population of the United States was 31 million.

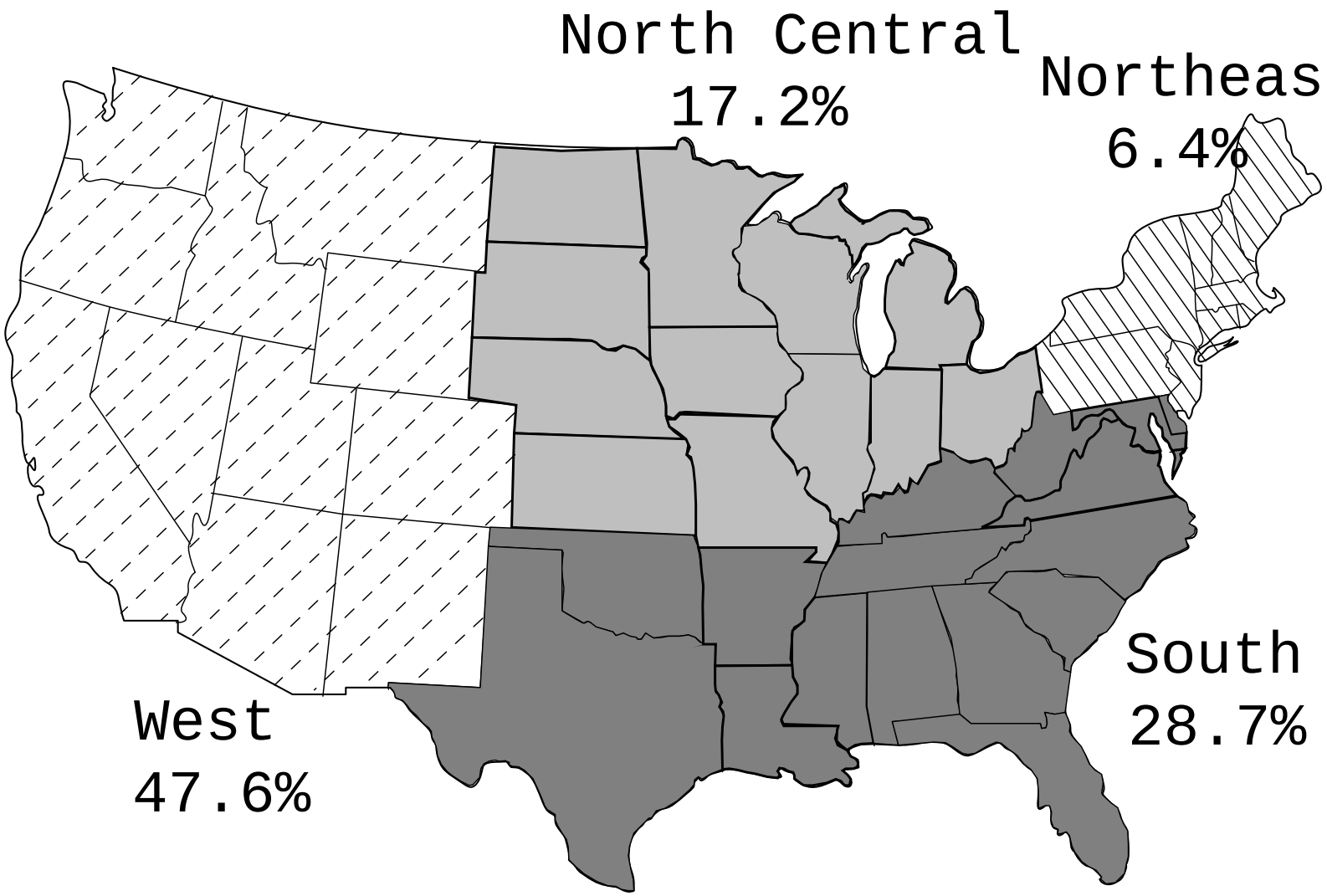
By 1890, the population of the United States was 63 million.



1890

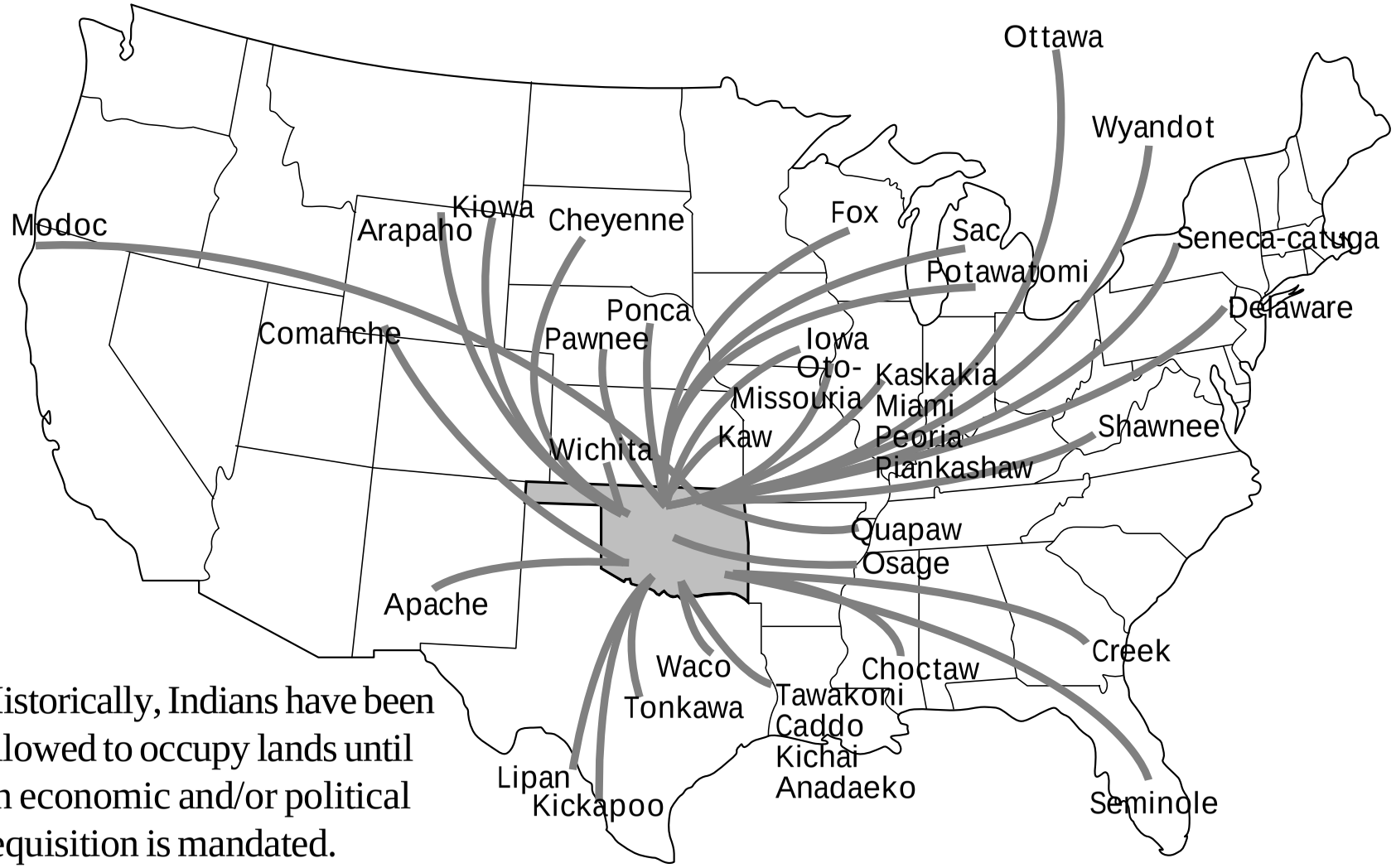


2090



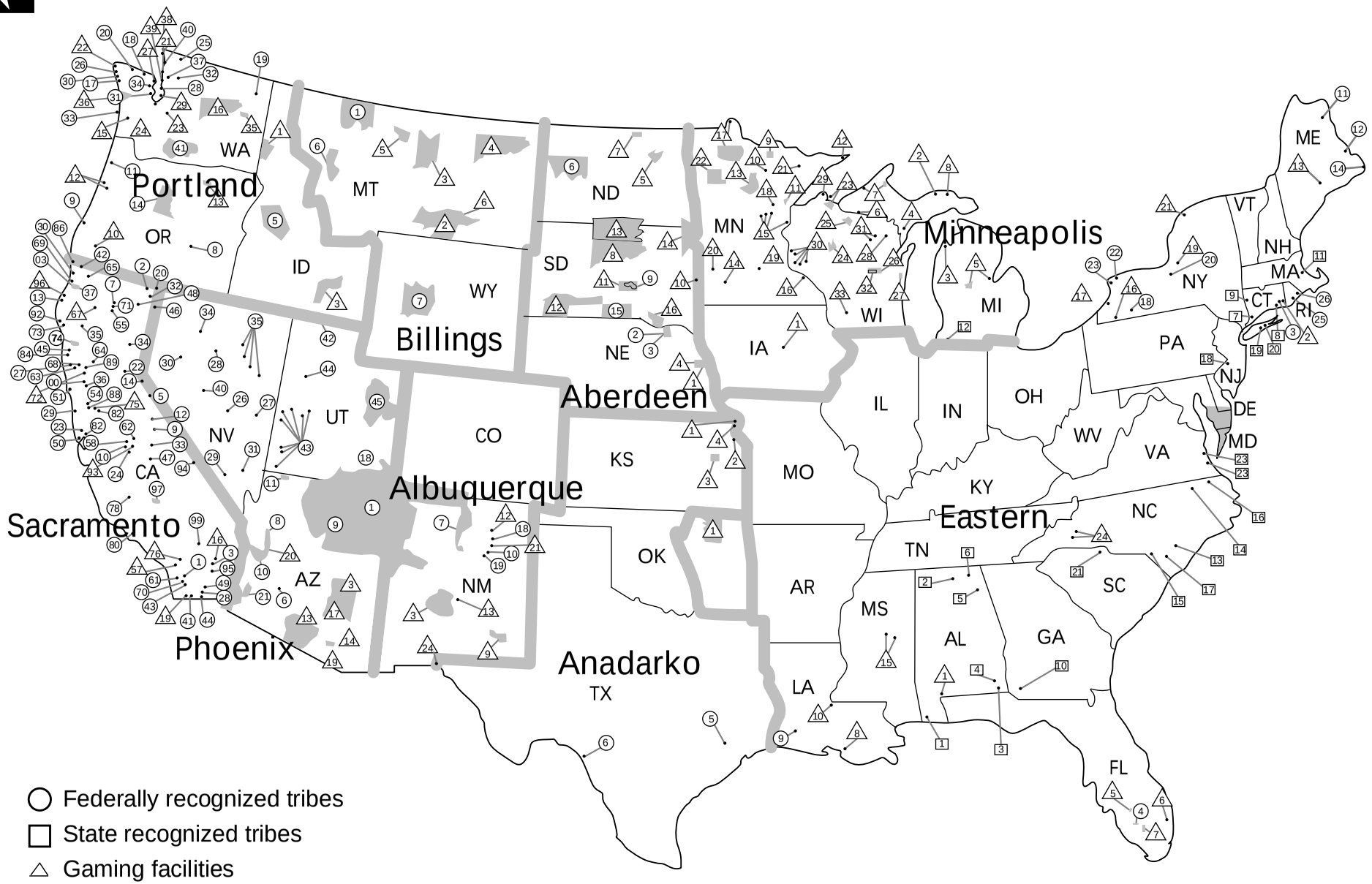
National Distribution of Native A

Oklahoma Indian Relocation History



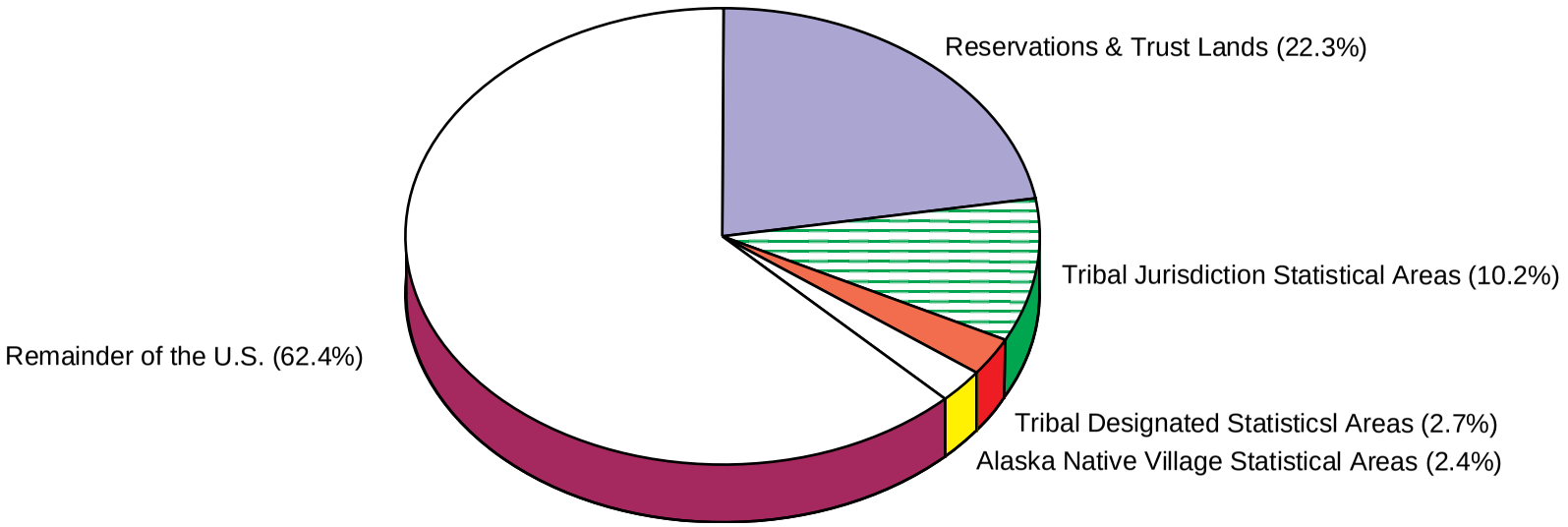
Historically, Indians have been allowed to occupy lands until an economic and/or political requisition is mandated.

American Indian Reservations



American Indians, Eskimos, and Aleuts by Type of Area: 1990

(Percent Distribution)



Total American Indian, Eskimo, and Aleut Population = 2.0 million

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Other Possible Resource Choices for School Library Media Centers and Classroom Libraries

This list is not meant to be all inclusive. The curriculum writing team recommends that all books listed or to be purchased be reviewed to determine appropriateness for your school. When in doubt as to whether material is approprite or accurate, check with the resource evaluation guide that is a companion piece to this document. Tribal libraries are also good sources to use when seeking information as to possible resources.

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Glossary

Aboriginal: Original; indigenous; native to a particular region.

Abrogation: The action of terminating a treaty or international agreement.

Acculturation: The process of adopting the cultural traits or social patterns of another group. The result of this process.

American Indian Movement (AIM): Militant Indian organization established in Minneapolis, Minnesota, in 1968. Originally founded to assist urban Indians, the organization broadened its purpose to include protesting the denial of Indian treaty rights, land rights, and social welfare.

American Indian Religious Freedom Act: Passed in 1978, this act begins to restore to tribes and tribal members their religious freedom afforded all other citizens by the Constitution. This includes the right to use and possess sacred objects, and the freedom to worship through ceremonials and traditional rights.

Appellate Court (tribal): Theses courts have recently been developed by many tribes. In many tribes, panels of judges are assembled ad hoc for each appeal. In others, judges from other tribes are used. These courts have the power to review the judgment from another tribe.

Articles of Confederation: Document adopted by the Second Constitutional Congress on November 15, 1777, and ratified by all states in 1781. Modeled on the structure of the Iroquois League, the articles served as the framework of the U.S. government until the Constitution was adopted in 1789.

Assimilation: The absorption of a minority culture group into the main culture body.

Band: Part of a tribe.

Blood Quantum: A term used to identify the percentage of tribal heritage. Various federal Indian laws and tribal enrollment requirements typically require a certain minimum percentage of Indian blood. For example, some laws require a 25 percent (1/4) blood quantum.

Bureau of Indian Affairs (BIA): Agency within the U. S. Department of the Interior responsible for administrating the U. S. government's relationships with Indian governments and for overseeing Congress' trust responsibility for Indian lands and existence.

Cession: The ceding or yielding of rights, property, territory from one group or person to another.

Clan: Individuals sharing the same lineage; American Indian clans are usually represented by an animal totem.

Clan Mother: Eldest female member of a clan, serves as the clan leader in a matriarchal society.

Citizenship Act, 1924: An act passed by Congress which recognized citizenship status of American Indians in the United States.

Communal: Belonging or shared by the community.

Communal Ownership: Land ownership as practiced by American Indian tribes; title was vested in the tribe rather than an individual.

Confederacy: A league or alliance for mutual support, aid, and common action.

Dawes Allotment Act: Also known as the General Allotment Act of 1887, this act required that communally held reservation lands be allotted to individuals for ownership.

Discovery Doctrine: When a nation discovers land unknown to it in the past, that nation may acquire ownership of the land, but not control of the people living on the land.

Eagle Protection Act: Indian tribes are given permission to use eagle feathers for religious purposes.

Education Assistance Act of 1975: This act authorized the Secretaries of Interior and Health, Education, and Welfare to enter contracts under which the tribes themselves would assume responsibility for the administration of federal Indian programs.

Enumerated Powers: Powers specifically listed in a constitution and granted to specific parts of a government.

Executive Order: A direction or order from the president of the United States.

Federal Enclaves Act of 1817: (General Crimes Act) One of the most important federal criminal statutes applicable in Indian country. Its primary present function is to provide for prosecution of crimes by non-Indians against Indians and of non-major crimes by Indians against non-Indians.

Federally Recognized Tribes: Tribes with whom the federal government maintains an official relationship, usually established by treaty, congressional legislation, or executive order.

Fee Patent Land: Land that is held in ownership by either Indians or non-Indians and is subject to state and local taxes.

Five Civilized Tribes: Name given by the Whites to the Cherokee, Choctaw, Chicksaw, Muscogee, and Seminole tribes from the southwest due to their adoption of certain European practices such as a written language, written constitutions, and schools.

Full Faith and Credit: Shall be given in each state to the public acts, records, and judicial proceedings of every other state. This does not necessarily apply to the judgment of tribes, however, the Supreme Court has noted "in some circumstances" that tribal court has been entitled to full faith and credit.

General Council: Supreme governing body of some tribes; traditionally composed of all adult members of the tribe.

The General Crimes Act: This act states that the general laws of the United States as to the punishment of offenses committed in any place within the sole and exclusive jurisdiction of the United States shall extend to Indian Country except as otherwise expressly stated by law. This does not include offenses committed by one Indian against the person or property of an other Indian.

Government-Government Relationship: Relationship that exists between federally-recognized tribes and the federal government. Implicit in the relationship is a recognition of tribal sovereignty and the U. S. government's obligation to protect tribal lands.

Hunting and Fishing Rights: The establishment of a reservation by treaty, statute, or agreement included, for tribal members, the implied right to hunt and fish free of regulation by the state on their reservation. Tribes, by treaty, may also reserve rights to hunt and fish off the reservation without state-controlled licensing fees or season regulations.

Indian Child Welfare Act: This act, passed in 1978, gives authority over all Indian child custody proceedings unless parents expressly request state jurisdiction. The purpose of the act is to protect the rights of the Indian child in custody and adoption proceedings.

Indian Citizenship Act of 1924: Congress passed a statute conferring citizenship upon all Indians born within the United States. This unique citizenship meant that they didn't have to relinquish their right to membership in their tribe when they became U.S. citizens.

Indian Civil Rights Act of 1968: This act extended the provisions of the Bill of Rights to reservation Indians, ruled that the states could not assume law and order jurisdiction on reservations without the consent of the tribes, and restricted tribal governments in the same way federal and state governments are restricted. (See appendix for entire Act.)

Indian Claims Commission Act: Established by Congress in 1946 to hear suits from tribes suing for lands lost or illegally taken. It awarded $800 million to tribes.

Indian Country: Land on which Indian laws and customs and federal laws relating to Indians govern.

Indian Financing Act of 1974: This act establishes a revolving loan fund to aid in the development of Indian resources.

Indian Reorganization Act (IRA): Also called the Wheeler-Howard Act (1934), the IRA was formulated largely by John Collier, commissioner of Indian Affairs, and was aimed at strengthening tribal governments and restoring tribal lands.

Indian Self-Determination Act of 1975: This act allows tribes to administer all federal programs on the reservation. It also allows tribes to structure themselves in whatever way they see fit, rather than as set forth in the Reorganization Act of 1934.

Indian Water Rights: (See Reserved Rights Doctrine.)

Johnson-O'Malley Act (JOM): Passed in 1934, this act provided supplementary funds to local school districts for improvement of Indian education.

Jurisdiction: The limit or area of one's authority. The court's authority to hear cases.

Matrilineal: System of social organization in which families are mother-centered. Descent and property devolve through the female line.

Matrilocal: Requirement in some societies that a married couple live with the wife's mother.

Meriam Report: A survey of Indian affairs commissioned by Congress and issued in 1928. The report detailed the deplorable conditions in which many Indians lived and called for reforms.

The Major Crimes Act: This act states that any Indian committing against the person or property of another Indian or other person any felony crime such as murder, manslaughter, kidnapping, maiming, etc., within Indian Country shall be subject to the same law and penalty as all other persons committing the same offenses within the exclusive jurisdiction of the United States.

Manifest Destiny: Popular view held during the 19th century that the American mission was to expand its territorial limits to the Pacific Coast.

Nation: A stable, historically developed community of people who share territory, economic life, distinctive culture, and language.

National Congress of American Indians (NCAI): Organization of tribal leaders formed during the 1940s to lobby for protection of Indian rights and culture.

National Indian Youth Conference: Organization formed by tribal youths in 1961 to provide Indian youths with a voice in Indian reform.

N**onrecognized Tribe**: Tribe that does not maintain a government-government and trust relationship with federal government and does not, in general, receive government services and recognition of its land base or sovereignty.

Nuclear Family: Kinship group consisting of a father, mother, and their children.

Patrilineal: System of social organization in which families are father-centered. Descent and property devolve through the male line.

Patrilocal: Social requirement that a married couple reside with the husband's father's clan.

Plenary Doctrine: Doctrine stating that the federal government has unlimited governmental control and jurisdiction over Indian tribes.

Pow-Wow: An American Indian gathering where dancing, singing, games, and celebration take place.

Public Law 280: Passed in 1953, this law authorized states to assume responsibility for law and order in Indian areas. Indian consent was never mentioned. In addition, P.L. 280 provided that any other state could assume such jurisdiction by statute or state constitutional amendment. Several states assumed partial or total jurisdiction pursuant to this authority. Over the Flathead Reservation, the state of Montana has limited criminal jurisdiction and was later granted, by tribal consent, jurisdiction over certain domestic relations issues.

Relocation: Federal policy formulated in 1952. Indians were relocated from rural and reservation areas to urban areas for job training and employment.

Removal Act: Act passed by Congress in 1830 authorizing the president to negotiate with Eastern tribes for their removal to lands west of the Mississippi River.

Reservation: Lands reserved for tribal use.

Reserved Rights Doctrine: Summarized characteristics: These rights are through federal law. The establishment of a reservation by treaty, statute, or executive order includes implied reservation of water rights in sources within or bordering the boundaries of the reservation. These rights are reserved from the date of reservation creation giving Indians water rights over non-Indians with later appropriation dates. The quantity of water reserved for Indians is the sufficient amount needed to irrigate all practically irrigable acreage of the reservation. These rights are not lost due to nonuse.

Retrocession: Procedure by which states can return to tribes the jurisdictional powers they gained under Public Law 280.

Self-determination: To make decisions about yourself, to run your own affairs. Self-determination of the American Indian tribes recognizes that it is the tribe's duty and right to govern and make decisions regarding tribal members. (See Indian Self-determination Act.)

State-recognized Tribes: Tribes that are not usually federally recognized but maintain a special relationship with their state government and whose lands and rights are recognized by the state.

Sovereign: Supreme in power or authority. Politically, a sovereign nation is one which is independent of control by other nations.

Sovereignty: The status, dominion, rule, or power of a sovereign.

Sun Dance: An annual renewal ceremony observed by the Lakotas and other Plains tribes. The traditional Sun Dance included self-torture by warriors to benefit the nation's spiritual state.

Tax Exemption: All Indians pay federal taxes. Indians who live and work on their own reservation do not pay state taxes. Indians who live on their reservation but work off their reservation pay taxes on that income. Indians who do not live on their reservation pay state taxes.

Terminated Tribes: Federal Indian policy during the 1950s that sought to end the federal government's relationships with Indian tribes as prescribed under House Current Resolution 108.

Termination: Federal Indian Policy during the 1950s that sought to end the federal government's relationship with Indian tribes as prescribed under House Concurrent Resolution 108.

Treaty: Formal agreement between two or more nations, relating to peace, alliance, trade, etc.

Tribal Sovereignty: A tribe is a distinct political community. Only Congress has the authority to limit or abolish tribal powers. No state may impose its laws on the reservation.

Tribe: A group of individuals bound together under ancestry, kinship, languages, culture, and political authority.

Trust: Property held by one person for the benefit for another.

Trustee: Person to whom another's property, or the management of that property, is entrusted.

Trusteeship: Term referring to the federal government's legal obligation to protect tribal land, resources, and existence.

Wampum: Small beads made of shells; used by tribes of the northeast as money.

Wampum belts: Red, white, purple and black shells woven into belts and used by tribes of the northeast as symbols of peace and war, and international messages.

Wardship: Refers to the federal government's responsibility as trustee over Indians as carried out primarily by the Bureau of Indian Affairs.